

STAFFORD COUNTY PLANNING COMMISSION MINUTES

August 17, 2011

The meeting of the Stafford County Planning Commission of Wednesday, August 17, 2011, was called to order at 6:35 p.m. by Chairman Gordon Howard in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Howard, Rhodes, Fields, Hazard Mitchell, Kirkman and Hirons

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Stinnette, Baker, Ansong, Ennis, Hess and Zuraf

DECLARATIONS OF DISQUALIFICATION

Mr. Howard: Are there any declarations of disqualification for anything on this evening's agenda from anyone? Okay, hearing none I will ask if there's a motion to adopt this evening's agenda as written.

Mr. Rhodes: So moved.

Mr. Howard: Is there a second?

Mrs. Hazard: Second.

Mr. Howard: All those in favor of adopting this evening's agenda as written signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 6-0. That brings us to item number 1 which is under the unfinished business which is the reclassification of Hampton Run Commercial. We'll hear from Mrs. Baker.

UNFINISHED BUSINESS

1. RC1000068; Reclassification - Hampton Run Commercial - A proposed reclassification from R-1, Suburban Residential Zoning District to B-2, Urban Commercial Zoning District to allow for the development of a commercial retail and office complex on portions of Assessor's Parcels 20-137, 20-140A, 20-144, 20-145, 20-145A, 20-145B, 20-146, 20-146A, and 20F-4A consisting of 18.6 acres, located on the west side of Mine Road, approximately 200 feet south of Greenspring Drive within the Garrisonville Election District. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses in the B-2 Zoning District. **(Time Limit: October 11, 2011) (History - Deferred at July 13, 2011 Meeting to August 17, 2011)**

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Mrs. Baker: Good evening Mr. Chairman, members of the Commission. As you recall, the Hampton Run Commercial project rezoning application came forward at your July 13th meeting and there was a lot of discussion that evolved around the trail that was proposed between the commercial area and the residential neighborhoods adjacent to the property. Specifically, the Commission asked about the amount of money proffered by the trail and also the location of the trail, if there was room to move that in other locations. The applicant did provide that information to us which was an attachment in your memorandum. But subsequent to that, the Planning Commission also asked us to meet with the Sheriff's office, as well as the Parks and Rec Department. We did have a meeting that included the applicant and the Sheriff did have concerns about the safety, potential safety of citizens using the trail system, primarily due to the area being wooded and potentially concealing residents as they're walking down the trail. It could also allow for concealment of illicit activity, so they did recommend that the trail not be constructed there. And staff, after meeting with them and discussing with them, does support that that the trail not be put in place. The applicant is here tonight if you wish to discuss that with them further and I'll be happy to answer any questions you may have.

Mr. Mitchell arrived at 6:38 p.m.

Mr. Howard: Thank you Mrs. Baker. I'll bring it back to the Commission; are there any additional questions of Mrs. Baker before we bring up the applicant?

Ms. Kirkman: I have one...

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: ... regarding that. Does that mean then that our Sheriff's office position is that any trails in wooded areas are potentially concealed areas should not be constructed?

Mrs. Baker: I think it's going to depend on a case by case basis. In this general area, there have been a number of calls that have been placed to the Sheriff's office for potential illicit activity maybe involving drugs that they've actually made calls to the vicinity, not necessarily this property. So the demographics is one concern so in addition to the wooded area, they also had concerns just based on the nature of the area. It's a more highly urbanized area and so it would really probably be on a case by case basis.

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Yes Mr. Rhodes?

Mr. Rhodes: I would just clarify that since we have the memo in front of us from the Sheriff's office, it really just talked about the pathway system in the Hampton Oaks, Town of Hampton Oaks, Highpointe and Settler's Landing area, the one to be soon to be built strip shopping center on Mine Road so it didn't talk about any pathways, it just talked about that particular one. Thank you Mr. Chairman.

Mr. Howard: Thank you.

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Ms. Kirkman: Mr. Chair, just to get further clarification then, although this was specific to a specific location, it was regarding an urban area... urbanized area and there are many urbanized areas like Baltimore, Washington, D.C., that have pathways in wooded areas that haven't seem to have encountered these same difficulties. So, I'm just... in fact, that's what's part of it being attractive as an urban area, so the WO&D trail for example is a really good example of that that extends all the way from D.C. out to the Shenandoah. It goes through highly urbanized areas. And so my concern is setting a precedent where we're not going to be building these types of paths simply because they go through an urbanized area. So again, I think it would be helpful to get some clarification from the Sheriff's office on what their position is in terms of these paths typically or generally.

Mrs. Baker: Well, we did ask because there are other neighborhoods that have trails. Leeland Station, as an example, there are trails that do go through the woods that may not be as highly visible. We asked have they had any calls in that area and no they have not responded to anything. But, in this particular instance, because of the terrain, you've got a steep stream valley which also helps to conceal so if you were to... they have mechanisms; you can clear some of the pathways, you can light it, there are certain things they can do under their what they call the CPTED principles, safety principles, but they just felt in this instance because of the topography and the other issues related to that with the area, that this particular site was not conducive to a trail system.

Ms. Kirkman: Thank you.

Mr. Howard: Thank you. Any other questions of staff? Mrs. Hazard?

Mrs. Hazard: Was there any discussion with the Parks and Rec Department... and I don't remember if we talked about that generally that they were probably the party that would be, the County part responsible for this. Was there any discussion with them of any comment they may have had? There may not have been but I was just wondering if there was any comment.

Mrs. Baker: Well they were actually in on the meeting with us and, of course, they had initially indicated that they were not interested in maintaining the property or taking the property just due to the maintenance that would be for a trail, for them to send someone out and not being able to monitor it regularly.

Mrs. Hazard: Okay, thank you.

Mr. Howard: Okay, thank you.

Mr. Hirons: Mr. Chairman...

Mr. Howard: Mr. Hirons?

Mr. Hirons: ... I have one quick question. And I don't recall if this was in our information from the last meeting or not, was there any research done on the cost, maintenance costs, whether it would be annual or a five year maintenance plan on the trail and trail system and bridge?

Mrs. Baker: We did not look into that any further.

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Mr. Hirons: Okay, so we don't really know what the cost would be to Parks and Rec to maintain this additional trail with the rest of the trail?

Mrs. Baker: No, we didn't pursue it any further.

Mr. Howard: Okay, we can bring up the applicant. Thank you Mrs. Baker.

Mr. Leming: Good evening Mr. Chairman, members of the Commission, I'm Clark Leming. I'm here on behalf of the applicant. This was the primary issue that we talked about last time. The Washington and Old Dominion Trail is a great, great trail; it runs parallel to a creek in that area for a very long distance... an old railroad. We have not changed the proffer, pending your all's response to the staffs' recommendation. As it is currently situated, the proffer would only become activated for the trail at the option of the County. We did prepare some other tentative language, one version that would simply eliminate it altogether. We also prepared some language that would rededicate that same sum that was proffered for the trail for sidewalks along Mine Road. There is one area between our property and the entrance to Liberty Place; it's an outparcel and one that my client attempted to purchase unsuccessfully. So it's not one where we have the right-of-way to put in a sidewalk, but the estimate would be sufficient for that purpose if the right-of-way could be obtained. So we did... I do have a version that would simply restructure and ask the County to get started on that within a year of the date of rezoning. And if so, then the \$25,000 would be utilized for that purpose.

Mr. Howard: Mr. Leming, was there a meeting with the existing neighborhood there in regards to this trail or...?

Mr. Leming: I believe... not one that we had.

Mr. Howard: Okay.

Mr. Leming: I believe that perhaps early on in the process, the Supervisor from the area may have had such a meeting, but we've not met with neighbors about (inaudible).

Mr. Howard: Have you received any feedback on the trail from the surrounding neighborhoods?

Mr. Leming: Only what we heard at the last public hearing. Of course, I know residents in the residential area where we're proposing the trail and Mr. Fields got into that to some extent last time about notifying perspective residents that would come into the subdivision on the other side of the RPA, notifying them that there would be a trail coming into their cul-de-sac. The comments that we got last time, and there were more of them after the meeting with the other residents with Patriots Landing pertaining to the existing subdivision would be more affected by I think we were asked to look at that northern location for the trail because that would feed right into Patriots Landing.

Mr. Howard: Right.

Mr. Leming: And I think there was substantial opposition to that, but there was no further discussion with the residents.

Mr. Howard: Okay, thank you.

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Mr. Leming: Whatever the Commission's pleasure is on the subject.

Mr. Howard: Well, in my opinion and while I'll defer to obviously the rest of the Commissioners but the sidewalk, helping to support sidewalks along Mine Road and making that more walkable in terms of a safer environment I think is a step in the right direction for the County to take. And obviously in the Sheriff's note, he indicated they're not opposed to trails or sidewalks at all as long as there is some visibility and the topography allows some type of line of site at some point along the trail.

Mr. Leming: And this is a very steep area.

Mr. Howard: Alright, are there any questions for the applicant from any of the Commissioners? So you would be in agreement then to take the dollar amount of that proffered trail and allow the County to use that specifically for sidewalk?

Mr. Leming: And the way I... the way we put together...

Mr. Howard: Either a sidewalk installation or expansion I suppose on the Mine Road...

Mr. Leming: Yes, that's correct. The way we added it to the proffer was simply to say that that same \$25,000 would be utilized for the sidewalk along Mine Road in the event that the Board of Supervisors commenced that project with a year of the date of the rezoning. We're not wed to the one year but we do want a specific period of time when the County would need to move ahead. The applicant shall pay \$25,000 to Stafford County for the purpose of construction... we've broadened it... curb, gutter, sidewalk on those portions of Mine Road adjacent to the property's frontage by others provided the offsite improvements are commenced within one year of the approval of the rezoning application.

Mr. Rhodes: So that would just be a new paragraph 12?

Mr. Leming: That's correct, and it would sub-plan altogether the paragraph about the trail. And we're putting of course the improvements along the frontage of our property, the sidewalk and everything, but it will not connect to the Liberty Place where you have sidewalks coming out of that street because of that outparcel there.

Mr. Howard: Correct. Alright, are there any other questions of the applicant? Hearing none I'll bring it back to the Planning Commission for discussion. Thank you. Mr. Rhodes, I think this is in Garrisonville.

Mr. Rhodes: Yes it is. I just lost my piece of paper... there we go. Okay, thank you Mr. Chairman. That was really the one issue out there; the path doesn't seem to be something that I think will work as effectively. And certainly you can see the worn paths up and down Mine Road. In our sidewalk plan it was one of the top priority areas to be addressed, so certainly a little more towards that would be improving so it would be a benefit. I would make a motion recommending approval of the RC1000068, Reclassification of Hampton Run Commercial, with the modification to the proffer paragraph 12 as discussed.

Mr. Mitchell: Second.

Mr. Howard: Discussion? Mr. Rhodes you have the first bite of that apple.

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Mr. Rhodes: Nothing further; I think I did that, thank you.

Mr. Howard: Mr. Mitchell?

Mr. Mitchell: No sir.

Mr. Howard: Any other discussion from any other Commissioners?

Mr. Hirons: Mr. Chairman, just out of curiosity if I could be so indulged to ask the Commissioner for Garrisonville, do you happen to know if there was a meeting with the neighborhood about this at all?

Mr. Rhodes: I am not aware of one.

Mr. Hirons: Okay. Citing my concern, I think this is the right path to go... no pun intended there by the way... but having heard from residents from the adjoining neighborhood that, you know, we're not sure if that's what we want and we haven't heard from anyone who says, this is what we want. I think sidewalks are going to be much more beneficial to the County.

Mr. Howard: Thank you. Any other discussion? Hearing none I'll now call for the vote. All those in favor of Mr. Rhodes' motion which is the approval of the reclassification of Hampton Run Commercial signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0. Thank you.

Ms. Kirkman: Mr. Chair, I actually am going to abstain from the vote since I wasn't present for the public hearing.

Mr. Howard: I apologize. So that's... the motion carries 6-0-1 with one abstention.

Mr. Leming: We'll leave the language with Mr. Harvey with your permission.

Mr. Howard: That would be great, thank you. And Mrs. Stinnette, you probably have that recorded I'm sure, the language that the applicant read to us so we have that on file. That brings us to item number 2 which is the Comprehensive Plan Compliance Review and we'll combine item 2 and 3 as we did the last meeting. So that's the Comprehensive Plan Compliance Review, which is Dominion Virginia Power on Fines Corner Substation, and then the Conditional Use Permit as well for Dominion Virginia Power Fines Corner Substation. Ms. Ansong?

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2. COM1100040; Comprehensive Plan Compliance Review - Dominion Virginia Power Fines Corner Substation - A request for review to determine compliance with the Comprehensive Plan in accordance with Virginia Code Section 15.2-2232 for the construction of a public utilities facility, an electrical substation, on a portion of Assessor's Parcel 55-199, located on the west side of Newton Road, approximately 4,300 feet north of White Oak Road, within the George Washington Election District. **(Time Limit: September 11, 2011) (History - Deferred at July 13, 2011 Meeting to August 17, 2011)**
3. CUP1000371; Conditional Use Permit - Dominion Virginia Power Fines Corner Substation - A request for a Conditional Use Permit to allow an electrical substation and an exception to the maximum height requirements in an A-1, Agricultural Zoning District on a portion of Assessor's Parcel 55-199, consisting of 0.89 acres, located on the west side of Newton Road, approximately 4,300 feet north of White Oak Road, within the George Washington Election District. **(Time Limit: October 11, 2011) (History - Deferred at July 13, 2011 Meeting to August 17, 2011)**

Ms. Ansong: Yes, good evening Mr. Chairman and members of the Planning Commission. As you recall, at the July 13, 2011 Planning Commission meeting I presented the Comprehensive Plan Compliance Review and the CUP for Dominion Virginia Power Fines Corner Substation. You all have a memo before you and that memo addresses three issues which were at the Planning Commission meeting. The first issue dealt with concerns of property owners regarding the proposal for the substation. So, there was a meeting scheduled on... there was a meeting which took place on August 12th between any property owners who had concerns regarding the proposal. And the applicant will speak further on that subject. There was also an issue of security; one issue was whether or not the applicant, I'm sorry, not the applicant... one issue was whether or not the owner would be willing to install a gate at the driveway going up to the substation. The applicant will also address that issue. And lastly, there was another security issue regarding if more security devices could be installed at the proposed substation. And we have included an additional condition in this CUP, I believe it's condition number 13, which addresses the applicant's willingness to address security issues and to install security devices at the proposed substation.

Mr. Howard: Thank you. Are there any questions of Ms. Ansong? Mrs. Hazard, I think you had raised one of those safety concerns or questions. Do you have any follow-up questions for Ms. Ansong?

Mrs. Hazard: No, I'll wait for the applicant.

Mr. Howard: Okay, we'll now hear from the applicant.

Mr. Schultis: Good evening Mr. Chairman and members of the Planning Commission, my name is Jon Schultis. I'm here on behalf of Dominion Virginia Power and I'm here today to continue discussion of the Fines Corner Substation. As Ms. Ansong noted, there were a few issues left unresolved that I will speak to this evening. First of all, I will go in reverse order, if that's alright with the concerns that she brought forward today. First, as far as the extra condition and working with the Sheriff's Department at site plan in order to institute any safety measures that they may have that might be more so than what we already do, we're certainly ready to do that. As a matter of fact, the project manager has already reached out to the substation engineering folks and let them know that that was something that

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was coming. And we look forward to working with the Sheriff's Department to ensure that this facility will be as safe as it possibly can be. Secondly, to Mrs. Hazard's request on the gate, that leads where the fork in the road is where the driveway goes more or less to the left to the residents and to the right to the substation. We've spoken with the applicant and we are going to allow a holder in there essentially, and if indeed at any point in time she feels that there are any concerns, people driving up there, people using it where they shouldn't, all she has to do is let us know and we'll install that gate. So we are going to take a wait and see approach on that one. And finally, as Ms. Ansong noted, we did have a meeting on August 12th with the applicant at her mother's home at 141 Newton Road. I would like to report that at the end of the meeting we all joined hands and were happy and ready to go but unfortunately we were unable to quell some of the concerns by the applicant or excuse me... by the concerned resident. One of her main concerns that she stated to us, and I think is her primary concern, is that just the construction of the substation will devalue her property by as much as 50%. I asked her if she spoke with the Commissioner of Revenue on that to find out if that was really what was going to happen; she said that she hadn't. I think the only that we'll be able to appease this landowner is by not building the substation. After that meeting, I went and I had a meeting with Mr. Mayausky, the Commissioner of the Revenue, and I asked him if indeed there were any times or if there was any data to support a deficiency of 50% in the vicinity of a substation. He agreed to look at some parcels around the county. My understanding of his research found that a presence of a substation did not affect the assessed value and he is here this evening if indeed you have any questions with regard to that. So with that, ladies and gentleman, that concludes my prepared remarks and I'm available for questioning.

Mr. Howard: Mr. Fields?

Mr. Fields: First of all, I do want to apologize to everybody concerned, I struggled... you may remember I was starting to get this last meeting... I was struggling with a really viral eye infection the whole month since we've been meeting. Basically, I couldn't go out... the light sensitivity was so bad I couldn't be out in the daytime at all basically. So, I had every intention of making that meeting on the 12th but I absolutely incapable of doing so. So I hope my... I want to make sure everybody understands my absence wasn't due to not caring about the outcome or wanting to hear what everybody had to say; I just was not capable of doing it. So I am sorry about that. But I do want to ask a few questions, just to get a... particularly for all of our edification and I apologize, if I'd been there I could answer these myself. But, if you could describe to us, first of all, the size, right, of the substation itself is .89 acres, is that correct?

Mr. Schultis: .6869.

Mr. Fields: .6869... and that is contained in a parcel of... the parcel in which this is contained is how large?

Mr. Schultis: Slightly larger than 13 acres.

Mr. Fields: Thirteen acres. The outer boundary of the built portion of the substation is how far from the closest point of adjacent property?

Mr. Schultis: Well, where the location of the substation is... closest to any adjacent property or closest to the adjacent property of the owner with the concern?

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Mr. Fields: The owner with the concern.

Mr. Schultis: It's between 600 and 800 feet but I can get a definite on that.

Mr. Fields: Six and 800 feet, somewhere in that ballpark.

Mr. Schultis: Yes.

Mr. Fields: Is that wooded or open?

Mr. Schultis: There is a wooded area that does exist in the vicinity between the property... the area where the substation is and the area where the residence is on the subject property is a fielded area with an electric transmission line that's already in existence.

Mr. Fields: So there's already an overhead electric transmission line running... there's an easement running all the way through this whole region, right?

Mr. Schultis: Yes sir. It was acquired by the company in 1950.

Mr. Fields: Okay. When... obviously the structure... a lot of the structure immediately to the substation is defined, especially by security issues, but we haven't really addressed or maybe we have and maybe we can refresh or more forward... what type of further visual screening do you think is possible to achieve that Dominion could do to ensure that... for starters there are other impacts but to ensure that the visual impacts... I understand that there are vertical structures that are quite tall but I mean, in terms of the visual impact of the eight foot... the seven foot fence with the barbed wire topping. How else could that be screened or... from the view of the adjacent property?

Mr. Schultis: Well sir, I'm glad you asked that question. In a typical situation like this, this substation exists on a perpetual easement on a parcel; it doesn't exist on a fee parcel. So essentially, the way the Stafford County landscape requirements would go is that the buffer would go along the perimeter of the property. We worked with staff and explained to them that we thought that the landscape buffer would be better. The 35 foot landscape buffer would be directly around the compound as opposed to around the perimeter because there's some natural vegetation that we would pick up credits for anyway and it would be in some areas where we wouldn't need to provide any new landscaping at all because it would already exist. In this scenario, we are going to have a 35 foot landscape buffer directly around the easement, which sits entirely within the existing transmission line easement. The staff conditions have evergreen trees; I believe it's 50% of the plantings will be evergreen trees that will remain green all year round. We've agreed to 10% more plantings than what's required and in time, when those plants mature, a lot of the lower level equipment that you referred to will be screened because of that quite generous 35 foot landscape buffer. Additionally, with regard to height impacts, there are a line of structures that exist there right now at 230 KV and the structure, there's essentially a transmission structure that exists within where the compound would be... there's roughly 75 feet. The backbone feature, which is the tallest feature of the substation, will be roughly the same height.

Mr. Fields: Would you be willing to... the landscape buffer... and one of the things that I want to make sure if we decide to move forward with this Conditional Use Permit is that all these things that we were talking about... I don't see the language regarding what you've just described as the landscape buffer as contained as a condition. I know that's generally... what you're saying is you're

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following a general landscape guidelines of the Code of Stafford. Would you be willing to put that also as a condition?

Mr. Schultis: As far as the landscape buffer being located around the compound as opposed to...?

Mr. Fields: Yes.

Mr. Schultis: Oh, absolutely. Absolutely.

Mr. Fields: And, you know, we've... as you know because you've worked for the county before, you know that sometimes it seems redundant to put something as a condition that is already part of the code but it's an effective tool for enforcement. The idea is to make sure that the public has every understanding of what is allowable and not allowable but it also creates a different level of accountability for the applicant of a CUP, if the entire CUP is revoked because of a non-performance or something, even if it is the code. Now the other thing, I understand there is some concerns regarding potential wetlands impacts or runoff situations. How is the... what is the... is the entire surface of this .69 acres, is that entirely impervious surface?

Mr. Schultis: Well, it's a gravel surface and once we get to the stormwater review of the site plan, the stormwater reviewer for the county will make a determination as to the type of gravel, what we propose, whether the level of impervious nature that's going to be there. I can say that it's certainly not going to be asphalt and it's certainly not going to be a gravel surface where there's vehicles driving every day. So there will be a pervious nature to the gravel that we use.

Mr. Fields: Does it need to be gravel for a specific reason?

Mr. Schultis: Gravel is the standard and... gravel is the standard.

Mr. Fields: Well could we have an explanation for that, if you don't mind?

Mr. Schultis: Yes sir.

Mr. Doody: We use stone for several reasons.

Mr. Howard: Can you just identify who you are please?

Mr. Doody: My name is Dan Doody; I'm the project manager for this.

Mr. Howard: With Virginia?

Mr. Doody: With Dominion Virginia Power. We use stone for several reasons. We use it for weed control; we use it because it is somewhat impervious. It's a one size stone, it doesn't have a bunch of fine so it does let the water percolate through it. And it is there in case we need to get equipment in there if there was a fire or something like that. It's just a good base, a good economical base for our intended use.

Mr. Fields: Okay, thank you.

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Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman?

Mr. Kirkman: While we have the fella up from Virginia Power, could I ask some questions?

Mr. Fields: Sure. Please, by all means.

Ms. Kirkman: If you could just back up, I'm sorry, I wasn't present at the last meeting. Could you explain why this substation is needed in this place at this time?

Mr. Doody: There is some load growth in the area and we were asked to site a substation in this area and we've talked to several landowners. We found an area that was... we felt like it was out of the way, a good place to minimize any impacts. But there is some growth in our Oak Grove and Cranes Corner substations that we're nearing capacity. And with people using more power and the growth, we need another facility.

Ms. Kirkman: And are you also anticipating future growth in siting this substation?

Mr. Doody: The ultimate build-out for this station would be for two transformers. We'll put one transformer in at this time and then sometime down the road, when the load demands there, we would put the second transformer in within the same footprint that we're asking to approved.

Ms. Kirkman: Within the same footprint but it will be doubling in size by adding a second transformer?

Mr. Doody: Not physical size but doubling in capacity.

Ms. Kirkman: In capacity.

Mr. Doody: Yes.

Ms. Kirkman: And what does that mean for the transmission lines that are coming in? Will those also be changing from what currently exists?

Mr. Doody: No, there's plenty of capacity there.

Ms. Kirkman: So that will not be changing in any way?

Mr. Doody: No.

Ms. Kirkman: Okay, thank you.

Mr. Howard: Mr. Fields?

Mr. Fields: Certainly. So, I guess what I'm getting to, is there a condition just like we did with the landscape, regarding stormwater so that we can ensure that there's no negative stormwater impacts to the adjacent property?

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Mr. Schultis: We could certainly include one if you feel it necessary. When we do the site plan review with the county, we will, of course, provide the stormwater management that's required to the water quality and runoff standards that is pursuant to the code. We do have to go through that process. If indeed you would like us to condition that, we will adhere to that process and adhere to the Stafford County Stormwater codes with regard to the water quality and runoff; that would be acceptable.

Mr. Howard: So Mr. Fields, the request is to add that to the...

Mr. Fields: Conditions.

Mr. Howard: Conditions? Okay.

Mr. Fields: We have 16 which is landscaping and now 17, which is... I guess basically, the language would be minimize or eliminate stormwater impacts to adjacent properties to the maximum extent practical. Understanding stormwater is... you know, when you set absolutes on stormwater, you're usually setting yourself up for some surprises. But the idea here is that unless there's some truly unforeseen or unknowable condition, we're eliminating the potential of any stormwater impacts. That's important because even well-intentioned things stormwater is, because of that, is sometimes unpredictable and a little bit unknowable. And so we need to make sure that that is here in the conditions, I feel. I would like to, if Mr. Mayausky is here, I would like have him come up at this point if that's alright?

Mr. Howard: Is there anything else the applicant wanted to indicate to the Commission?

Mr. Schultis: No sir.

Mr. Howard: Okay, thank you.

Mr. Schultis: Thank you Mr. Howard.

Mr. Fields: I'll probably still ask Jonathon but I wanted to take all these issues and see if we can't...

Mr. Howard: Mr. Mayausky, good evening.

Mr. Mayausky: Good evening Mr. Chair.

Mr. Fields: Mr. Mayausky, thank you for coming down once again...

Mr. Mayausky: My pleasure.

Mr. Fields: ...to the Planning Commission. So, my understanding is the, specifically one, but I would assume any property owner next to adjacent to a structure like this, a public utility structure, has a concern about the impact on the value of their property and I know... you know, you're always being asked to look into a crystal ball that you don't have but to the best of your understanding, can you give us a read on what that, the nature, the level of that impact might be expected to be?

Mr. Mayausky: Sure. Fortunately in this case, I didn't have to look forward, I could look back at sales that had occurred. What we did is we looked at Aquia Harbour and we looked at Heritage Commons.

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Both of those neighborhoods have substations, either within the neighborhood, like Aquia Harbour, or Heritage Commons, right outside of the neighborhood adjacent to, in that case, a row of townhouses. So the analysis that we used is called match-pair sales. What you do is you go into a neighborhood, you find two identical houses that sold at the same time, you look at the sale price and then that tells you if the market is treating one property differently than another. And if it does then you go in and you figure out why. So, in Heritage Commons, I looked at the row of townhouses that sold that is adjacent to the substation and then I looked at townhouses that sold at the same time that is not adjacent to the substation, that is further away from the substation, to see if there was any difference in the sale prices and there wasn't in that case. In Aquia Harbour it was a little bit different scenario because we only had two properties that were adjacent to the substation. We looked at both those properties; we found sales within the past six years or so. The good thing about doing that kind of analysis is you don't have to current sales, you just to look at sales within the same time period. So, if you have a sale in '04, as long as you find comparable properties that sold in '04, you can still do the same kind of analysis. And we were able to do that on both parcels and we found that there was no difference in the sale prices to speak of between the properties adjacent to the substation and those further away from the substation.

Mr. Fields: Okay, so at this point, I mean... again, never knowing anything but... at this point the existence of a substation to the best of your ability at this point has not had a negative impact on...?

Mr. Mayausky: Yeah. In these two neighborhoods, it has not and you would logically assume that if it's going to have an impact it would be more likely within a neighborhood than it would be out in the agricultural where you've got more natural buffer and things of that sort. No, I can't, obviously as you eluded to, predict what's going to happen in the future but in the past it has not seemed to affect property values.

Mr. Fields: Okay, I appreciate you taking the time to do that for us. That's important knowledge for us to have as we work forward.

Ms. Kirkman: Mr. Chair...?

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: I just wanted to double check, I thought the substation in the Aquia Harbour was fairly new and you mentioned sales from 2004?

Mr. Mayausky: I don't know when it was built. Is it a new substation? The one within the Harbour itself?

Ms. Kirkman: Yes, because I think we just approved that.

Mr. Mayausky: Yeah, there's two. There's one right outside of Aquia Harbour on Cole Landing and there's one within Aquia Harbour. I don't know when it was constructed. You can help me out with that?

Mr. Schultis: I will do my best. The Aquia Harbour terminal station which I believe you're referring to is very recent and it was there to facilitate the new 230 KB line that was recently energized in the

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county. The Stafford substation is the one Mr. Mayausky is referring to and I am not sure what date that has been built but it has been there for at least 10 years.

Ms. Kirkman: So did you look at any of the properties adjacent to the newly built substation in Aquia Harbour?

Mr. Mayausky: The, for point of clarification, is the newly built substation the one that is behind Aquia Drive?

Mr. Schultis: On Channel Cove.

Mr. Mayausky: On Channel Cove. Was it completed prior to 2010?

Mr. Schultis: It was completed... we just got the bonds back for that this year.

Mr. Mayausky: Okay, because we did look at a 2010 sale that occurred. I don't know how that timing lines up with the completion of that substation but we did look at a 2010 sale and that sale didn't reflect any change in value. Now, given that information, I'd be more than happy to work with Mr. Schultis and see if that sale coincides with the completion of that substation. I don't know the answer to that. I was only given the parcel ID's of where the substations are, not their completion dates.

Ms. Kirkman: Right, and both the townhomes and Aquia Harbour, I think, is the zoning district in Aquia Harbour like R something?

Mr. Mayausky: Oh, yeah, I'm not sure; it's an old zoning.

Ms. Kirkman: So, did you look at any sales in properties in agricultural zones because the expectations about properties and property characteristics may be very different there than in townhomes or in a densely developed area like Aquia Harbour. Did you look at any in agricultural zones?

Mr. Mayausky: We didn't because the type of analysis, the match parent sales we had to do, is almost impossible when you get out to rural properties, because the rural properties, one, they vary so much in size and all of the different characteristics that affect property values. It gets almost impossible to narrow down why one piece may have sold for more than another. So no, I did not. The analysis we did on the short term, the only one we could do, was the match parent sales which only lends itself to subdivision, more urban type of properties.

Ms. Kirkman: Okay, thank you.

Mr. Howard: Are there any other questions of Mr. Mayausky while he's here at the podium?

Mr. Mayausky: Mr. Schultis just advised me that the Aquia Harbour substation was completed in 2009. So the 2010 sale that we looked at would have been after the completion date of that.

Mr. Howard: Okay, thank you.

Mr. Mayausky: Thank you.

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Mr. Howard: Mr. Schultis, I think Mr. Fields had one or two more questions.

Mr. Fields: Sure, I was just following through. If, for some reason, the concerned property owner could demonstrate that their property was indeed devalued by this, what legal remedy would they have against Dominion?

Mr. Schultis: I'm not sure actually.

Mr. Fields: Does anybody have a... anybody from Dominion have a thought?

Ms. Kirkman: Mr. Chair? One of our fellow Commissioners represented towering concerns and I'm sure she's well versed in that... if this would be the appropriate time to (inaudible).

Mr. Howard: I'm not sure that that's a question that anyone on the dais is qualified to answer and I'm not picking on Mrs. Hazard by any stretch, I was also involved with that whole process and I'm not sure... there was a lot of speculation going on back then as Dominion Power will attest to. So I don't know that anyone up here is qualified to answer that. That's a question the homeowner... you know, that's the crux of the matter for the homeowner, in terms of what the concern is, obviously.

Ms. Kirkman: I guess I'm a little...

Mr. Howard: She can try and answer it but I'm not sure it's a valid answer. I would advise against it.

Ms. Kirkman: Really? Because I seem to remember that group making many claims or concerns about property value so I'm assuming the legal counsel for that group supported those.

Mrs. Hazard: I guess my only comment would be valuation is going to always be very difficult. And anything can happen next to your property and it's really whether you do have a legal remedy and, to be honest, I am not going to opine either way on that because many of the presentations given by the public at that point were very much their public opinion. And at that time the focus of towering concerns was not to give individual property rights, it was actually us as a group trying to get the lines undergrounded or for a better option, which I think that we did.

Mr. Howard: The question could go to Mr. Mayausky and we could ask do you assess the value of property or homes different that are next to a substation? And if you wouldn't mind coming up and answering that. I don't believe we do as a county but maybe we do. And therein might lie the answer.

Mr. Mayausky: We don't.

Mr. Howard: Okay.

Mr. Mayausky: We haven't found any evidence that it affects it to a large enough degree. If it affects it, the property value, it's not to a large enough degree that we're comfortable (inaudible).

Mr. Howard: You essentially collect the same property tax...

Mr. Mayausky: We do.

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Mr. Howard: ... okay, from similar homes, whether one adjoins a power plant or one does not.

Mr. Mayausky: We do.

Mr. Howard: Okay, thank you.

Ms. Kirkman: And to follow-up, so I just want to make sure... I understand individual property owners can appeal assessments based on unique characteristics and you're saying that you've never had an appeal based on the adjacent location of power structures?

Mr. Mayausky: I'm sure that we've had appeals based upon those. We haven't seen enough evidence in the market to tell us that being adjacent to those property lines or substations affects the value to the point where we've made adjustments to those properties.

Ms. Kirkman: So none of those appeals were approved?

Mr. Mayausky: Not based upon location of power lines or substations.

Ms. Kirkman: Thank you.

Mr. Howard: Thank you. Mr. Schultis? Mr. Fields?

Mr. Fields: I know that's a highly speculative question but, obviously, you know, it's a concern. We have somewhat of a difficult situation here where we have competing interests that feel strongly about their point of view. And right now we don't seem to have a reconciliation. In my process right here, what I'm trying to do is take every possible concern and see that there is... that it's contained in the conditions in such a way so that if anyone, adjacent property owners or any member of the community, feels that this substation is negatively affecting the quality of life of anybody in the community, that it's very clear and that the remedy is very certain in terms of a suspension of the Conditional Use Permit. Obviously, with potential long term property values based on the substation, you know, I mean, to the best of our ability, we don't seem to be able to define that that is a fact. You can't discount that it is a possibility and so I'm just trying to find if there is a... again, along with the spirit of what I've been trying to do with these other conditions, make sure that there is... if there is indeed a truly negative, definable, negative impact of the substation, that the public, as a whole, not only just the adjacent property but the public as a whole has some process to remedy that.

Mr. Schultis: If I may Mr. Fields?

Mr. Fields: Mm hmm.

Mr. Schultis: With regard to reaching out to the public in this case, the company takes very seriously reaching out to adjoining property owners and talking to them about the substation and trying to work with them to mitigate as many negative impacts as we can. This case here, I feel, is particularly unique because we have a willing property owner who has said, yes please, put this substation on our property on an easement. Going along with that, we didn't hold a formal open house; however, our communication staff reached out to the property owners by telephone and said, if you have any

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concerns we'll come to your house and we'll talk to you. And out of all those phones calls made to the adjoining property owners, out of all the reach-out, we have only had one concerned citizen.

Mr. Fields: Okay. I think that's most of what I have. Does anybody else want to...

Mr. Howard: Any other question for Dominion Virginia Power?

Mrs. Hazard: I just want to make a comment.

Mr. Howard: Sure.

Mrs. Hazard: Just wanted to thank you for reaching out on the fence issue with the property owner. Like I said at that time I just... if that was a concern of hers, I wanted to make sure it was raised. So I thank you for coordinating with her.

Mr. Schultis: Thank you Mrs. Hazard.

Mr. Howard: Thank you Mr. Schultis. We'll bring it back to the Planning Commission for further discussion.

Mr. Fields: Alright, well, unless there... if there's no other further questions or concerns, let me just reiterate, we have the... in our memo we have the new 13, the applicant shall work with the county Sheriff's Office to ensure the facility is equipped with adequate security devises prior to site plan approval. Again, how is that monitored, that you actually do that?

Mr. Schultis: Are you asking me?

Mr. Fields: Yeah, well, or anybody... staff... Jeff or Jonathon. Maybe Jeff actually.

Mr. Harvey: Mr. Chairman, Mr. Fields, we would ensure that that's enforced during the site plan review through the TRC process. We have representatives from the Sheriff's Office that participates in that review.

Mr. Fields: So, in other words, at the TRC right, the CUP and all of the relevant documents are there and present for everybody involved.

Mr. Harvey: Yes.

Mr. Howard: You also have Fire and Rescue there as well, I believe, right?

Mr. Fields: Right.

Mr. Harvey: That is correct.

Mr. Fields: So law enforcement and Fire and Rescue would be present. So this condition then would trigger a response to make sure that the applicant had indeed coordinated with the Sheriff, because the Sheriff then would say, I haven't talked to these guys. Right?

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Mr. Harvey: Correct.

Mr. Fields: Great, got it. Okay, I appreciate that. The landscaping is we're going to put on condition 16 that we have a 35 foot buffer around the perimeter of the substation, right, of the easement. How is that worded Jonathon? I'm sorry. The 35 foot buffer is...?

Mr. Schultis: The 35 foot transitional buffer will be around the substation compound as opposed to the perimeter of the property.

Mr. Fields: Okay.

Mr. Howard: What's the distance that it would be around the compound? So, in terms of the number of feet?

Mr. Schultis: Well, its 35 feet in width and that will be all the way around the compound.

Mr. Howard: But the distance... what is the distance of the buffer to your actual compound? Is it two feet?

Mr. Schultis: Oh, it's adjacent to it.

Mr. Howard: It's adjacent? So it's as close as you can possibly put it.

Mr. Schultis: Yes, there'll be the fence and then there'll be the buffer and then where the transmission line is there'll be landscaping but it will have to be lowered to meet federal clearance requirements.

Mr. Howard: Okay.

Mr. Schultis: And then... so basically either side will have the tall...

Mr. Howard: Essentially, as close as possible...

Mr. Howard: As close as possible, yes sir.

Mr. Howard: ... to the compound. Okay.

Mr. Fields: Alright, and then condition number 17 is minimize or eliminate stormwater impact to adjacent property to the maximum extent practical. If I might ask the County Attorney, we're okay by adding these in this process? Do we need to... we're not requiring any... we're within our rights to do this on, sort of, I don't want to say on the fly but here in the session?

Mr. Howard: So the question Ms. McClendon is, are we... is it proper to adjust the conditions in the Conditional Use Permit at this point in time?

Ms. McClendon: Yes Mr. Chairman, Mr. Fields, I believe it is.

Mr. Howard: Thank you.

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Mr. Fields: I just want to make sure. Does everybody on the Commission understand the addition on 16 and 17 and the mechanism of 13?

Mr. Howard: I believe so.

Mr. Fields: Alright. Well, I know I'm going to make a group of individuals very unhappy but I've really tried to work through this as diligently and as understanding and respecting everybody's concerns and I do respect everybody's concerns. I've tried to minimize whatever impacts that I could possibly foresee or have been brought forward. And so, with that in mind, I will move for approval of the Comprehensive Plan review.

Mr. Rhodes: Second.

Mr. Howard: Are you including the CUP along with your motion?

Mr. Fields: Well, I think we do need a separate motion for each one.

Mr. Howard: Separate? So the motion on the table, which was seconded by Mr. Rhodes, is approval of COM1100040 Comprehensive Plan Compliance Dominion Virginia Power Fines Corner Substation.

Mr. Fields: That's correct.

Mr. Howard: Any discussion?

Ms. Kirkman: Mr. Chair, since I wasn't present for the public hearings I will be abstaining from the vote.

Mr. Howard: Thank you Ms. Kirkman. Any other discussion? Hearing none, I'll call for the vote. All those in favor of the motion Mr. Fields made, seconded by Mr. Rhodes signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? Abstention, one. The motion carries 6-0-1.

Mr. Fields: And then I will also move for... recommend to the Board of Supervisors that they approve Conditional Use Permit CUP1000371.

Mr. Rhodes: Second.

Mr. Howard: Seconded by Mr. Rhodes. Any discussion?

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Mr. Fields: I do want to make sure that all the folks that are concerned about this understand that what we're doing here at the Planning Commission is a recommendation to the Board of Supervisors for approval but there is a whole other bite of this apple where this now moves to the Board of Supervisors for another public hearing where concerns can continue to be worked, addressed and the CUP process can continue to be refined. So, while I feel like I've done the best I can, my health issue notwithstanding, which again I apologize for not being able to attend the meeting... that is not the definitive or final say; that is the start of the process. So I hope you understand and take advantage of all of the avenues open to address your concerns... have your concerns heard.

Mr. Howard: Thank you. Any other discussion? Hearing none, I'll now call for the vote. All those in favor of the motion on the table by Mr. Fields, seconded by Mr. Rhodes, which is recommending approval for Conditional Use Permit Dominion Virginia Power Fines Corner Substation signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? Any abstentions?

Ms. Kirkman: Yes.

Mr. Howard: One abstention. The motion carries 6-0-1. Thank you very much.

Mr. Fields: Thank you all very much.

Mr. Howard: Appreciate that. That brings us up to, actually, item number 6, which is new business.

Mr. Rhodes: (Inaudible).

Mr. Howard: Well, we can have a quick discussion on 4. Mr. Harvey, if you want to update the... I know it's deferred till the 7th of September so that's why I didn't choose to bring that up. And Mr. Harvey may not be ready until September 7th. Mr. Harvey?

4. Zoning Ordinance Amendment; Wetland Mitigation Bank (**Deferred at July 13, 2011 Meeting to September 7, 2011**)

Mr. Harvey: Well, Mr. Chairman, just to point out to the Commission, we did include in your package a letter we received from the proponent of the Wetland Mitigation Bank ordinance. For your consideration, we'll include the same letter in your packet for your next meeting.

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Mr. Howard: Thank you. We can quickly just introduce item number 6 which is new business, Amber Oaks, Section 2, Preliminary Subdivision. I know we'll want to spend more time on that but at 7:30 p.m. we take the hard break and then go into public presentations. But, at the very least, Mrs. Ennis, this will give you three minutes to resolve this... or at least introduce us to this.

5. Zoning Ordinance Amendment; Rappahannock River Overlay District and Potomac River Overlay District (Referred back by Board of Supervisors) (**Time Limit: October 6, 2010**) (**History - Deferred at June 16, 2010 Meeting to August 18, 2010**) (**Deferred at July 21, 2010 Meeting to September 1, 2010**) (**Deferred at September 1, 2010 Meeting to October 6, 2010 Meeting**) (**Deferred - Requesting additional time from Board of Supervisors**)

NEW BUSINESS

6. SUB1000355; Amber Oaks, Section 2, Preliminary Subdivision Plan - A preliminary subdivision plan for 27 single family dwellings, zoned A-1, Agricultural Zoning District, on Assessor's Parcels 34-21, 34-22, 34-24, 34-25 and 34-40, consisting of 105.17 acres, located on the south side of Warrenton Road at the end of Richwood Cove, within the Harwood Election District. (**Time Limit: October 5, 2011**)

Mrs. Ennis: Mr. Chairman, members of the Planning Commission, item number 6 is a preliminary subdivision. Computer please. It's a preliminary subdivision for Amber Oaks, Section 2. The applicant is Tim Hall with Tricord, Incorporated. The application date was December 7, 2010. It went to TRC on January 12, 2011. The engineer is Hamilton Palmer. It lies on Assessor's Parcels 34-21, 22, 24, 25 and 40. I want to let you guys know that this was a subdivision that was previously approved by the Planning Commission on April 27, 2005, for 28 lots called Richland Forest, Section 3. It lost its... it expired. And they're now coming forth with it and calling it Amber Oaks. It's located at the end of Richwood Cove Circle off of Warrenton Road. It's approximately 105 acres; it's zoned currently A-1, Agricultural, and they're proposing 27 single-family lots. It lies within the Hartwood Election District. This is a layout of the zoning map and where you can see that it's all the parcels excluding 23 which is in the middle. Here's an aerial overview and this is the proposed layout that you received for the preliminary subdivision plan. The subdivision road connection is through a future subdivision called Marsh Run. The lots will have private wells and drainfields. The stormwater management will consist of low impact with 23 bio-retention facilities. RPA is to the north and to the east of the property and there will be signage for that RPA. All the roads are built to VDOT standards by using the SSAR. Staff recommends approval of Amber Oaks, Section 2, Preliminary Subdivision Plan. Are there any questions?

Mr. Howard: Thank you. Are there... I know there'll be more questions but are there any questions that we can answer or have answered in about a minute or two?

Ms. Kirkman: Mr. Chair?

Mr. Howard: Yes Ms. Kirkman.

Ms. Kirkman: Mrs. Ennis, where is the TIA worksheet for this?

Mrs. Ennis: It didn't need a TIA. It didn't fall under that.

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Ms. Kirkman: But isn't there a worksheet that you complete to determine that?

Mrs. Ennis: I don't know; I'll have to look and see if it's in the file. I will look and see.

Ms. Kirkman: Thank you.

Mr. Howard: Okay, you can check for that while we take the hard break?

Mrs. Ennis: Yes.

7:30 P.M.

PUBLIC PRESENTATIONS

Mr. Howard: Are there any other questions, you know, quick questions? I know we'll have Mrs. Ennis back up. Okay, thank you very much. At this point we'll hold off bringing the applicant up. And we're going to go right to our public presentations. Thank you Mrs. Ennis. So anyone wishing to address the Planning Commission tonight on any item that is not part of public hearings, and we do have two public hearings tonight... the public hearings are the reclassification of Fox Chase Commons and also an amendment to the Stafford County Comprehensive Plan. So if you want to talk to us about anything that's not one of those two items, you may do so by stepping to the podium. And we just ask that you announce your name, your address, and then you have three minutes to address us. When the green light goes on you can start your comments, when the yellow light comes on that means you have about a minute left to address the Planning Commission, and then when the red light starts to flash we would ask that you conclude your comments and allow the next speaker to address the Planning Commission. By my official watch it's 7:30 and I will now open up the public presentations. Anyone wishing to address the Planning Commission may do so now. Seeing no one in the audience advancing towards the podium, I will now close the public presentation portion of our meeting and we will open up the first public hearing, which is the reclassification of Fox Chase Commons. Mr. Harvey?

PUBLIC HEARINGS

7. **RC1100029; Reclassification - Fox Chase Commons** - A proposed amendment to proffered conditions on Assessor's Parcel 45-217, in the R-3, Urban Residential, High Density Zoning District and a proposed reclassification from B-1, Convenience Commercial to R-3, Urban Residential, High Density Zoning District on Assessor's Parcel 45-217A, consisting of a combined 9.08 acres from parcels 45-217 and 45-217A, located on the east side of Cambridge Street (U.S. Route 1), approximately 700 feet north of Manning Drive within the Falmouth Election District. **(Time Limit: November 15, 2011)**

Mr. Harvey: Mr. Chairman, please recognize Joey Hess for the presentation.

Mr. Howard: Mr. Hess, good evening.

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Mr. Hess: Thank you Mr. Chairman. May I have the floor computer please. Okay, staff brings to you all tonight Fox Chase Commons. It's a reclassification and proffer amendment; it's two requests combined in one application. The number is RC1100029. The request is to reclassify Assessor's Parcel 45-217A from B-1, Convenience Commercial, to R-3, Urban Residential High Density for the development of high density residential development. The other half is the proffer amendment which is to amend the proffer conditions on Assessor's Parcel 45-217 which is already zoned R-3, Urban Residential High Density, by removing existing proffers. There are two proffers currently on this property... only two, that is. The first proffer is to only allow one to two bedroom units and then the other one is to limit the total number of children to 85 in an aggregate count. The applicant is Paul-Noel Chretien; he's the principal manager of Fox Chase Apartments, LLC. His agent is Charlie Payne, who is here. Again, the Assessor Parcels involved in this case are 45-217A and 217. The combined acreage of both those properties is a little over nine acres. Here is a picture of where the property is located. As you can see, the one property, 217, parcel 217A, is the B-1 property, and the R-3 property is parcel 217. You have agricultural property to the north, east and west. Drew Middle School is over here to your west. And then you have a couple of B-2 zoned commercial properties, Urban Commercial properties; I believe it is a boat/car dealership in this area. And then you have Jefferson Place Townhouses down around to the south of the proposed site. A little bit of zoning history; just to start you off, this is the zoning history for Assessor Parcel 45-217, the one that was rezoned from B-1 to R-3 with the two proffers. It was zoned in 1986. It currently has 14 apartment buildings on it with a total of 46 units within those 14 buildings. It's access is currently off of Route 1 which is Cambridge Street along that section of Route 1. It has access off of it; it's called Fox Chase Boulevard. Then I go into Assessor's Parcel 45-217A and there really is no zoning history on this property. It's always been zoned B-1 and remains undeveloped. And then for the site as a whole, there are no perennial streams, wetlands or floodplains identified. Here is an aerial photograph of the site. As you can see on parcel 217, you see the buildings all around off of Fox Chase Boulevard. And you see Drew Middle School, and you see agriculturally zoned property to the north, east and west. And then again, the townhouses to the south, and you have the car dealership right here. I guess it goes seasonal because it has boats there at some times of the year as well. Here's a picture from the GDP showing the existing conditions. It's kind of hard to follow but here is Jefferson... well, again it's Cambridge Street here along here on this stretch of Route 1. There's Fox Chase Boulevard; that is the main route that goes all through the development and you see the houses, the apartment units... apartment buildings rather... along the road as they exist today. Again, parcel 217A is not developed. And then here's an overall layout of the site as proposed. It is proposed to be 99 single-family attached units or townhomes. The main stretch, the main boulevard or main road is going to be Fox Chase... excuse me, Fox Drive... I'm sorry, Fox Chase Drive, sorry. And then you have a proposed sidewalk along Cambridge Street. It has a tot lot play area with some parking for that and then there's a trail that's going to go along Route 1 and then loop back into the subdivision as far as an amenity to go with the proposed neighborhood. As far as transportation goes, there's no TIA included with these requests. The site is going to generate approximately 700 vehicle trips per day; that's using the standard seven vehicle trips per townhouse. There are 99 of them, as mentioned before, being proposed; therefore, no TIA was required with the application. In the proffers, the applicant does proffer right-of-way dedication along Cambridge Street. As far as the proposed proffers in general, the site will be developed generally according to the GDP which includes all the shown right-of-way improvements... roadway improvements, excuse me... transitional screening and so on. The applicant is currently proposing a 60 feet of right-of-way dedication from Cambridge Street centerline. Then there's monetary contributions that are going to be provided; approximately \$382,000 will be proffered which covers 11 of the townhouse units, and that's for the property that's being zoned from B-1 to B-3. They're calculating that 11 of their units are on that property as it's being rezoned. And then they're proffering an additional half a million dollars to

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be equally divided between the school system and Parks and Recreation. There's also architectural design materials that will generally conform to the submitted architectural rendering. And then they also, as far as architectural design, they are proffering 50% of the units facing Route 1 will have a brick or stone material front façade and then the remaining 25% of the units will have the same materials; so again, brick or stone façade material. To backtrack a little bit, to go back to the site being generally developed according to the GDP, as far as transitional screening, the applicant is proposing a six foot tall privacy fence. And then the units along within that transitional screening, since it reduces the buffer width with the fence, they're going to provide 50% evergreens... 50% of all the plant units will be evergreen trees within this proposed transitional buffer. To continue on, the applicant is also providing relocation assistance to the current tenants there. It would include relocation assistance as far as relocation, consulting, a plan to give 90-day written notice before terminating the lease; they also plan to provide \$100 per residential unit to assist current tenants with their moving expenditures. And then last they are going to provide an architectural survey prior to demolishing the existing apartment buildings. As far as the Comprehensive Plan in this area, the Comprehensive Plan recommends suburban land use which is intended for single-family detached development, and it's for residential densities that should not exceed more than three units per acre. So that's... in your report you'll see that's why we say the reclassification component is not consistent with the suburban land use designation because it calls for again single-family detached units. As far as the proffer amendment goes, the plan does support currently zoned high density property, so you have the R-3 property which is already zoned for again high density and development so the Comp Plan does support that component of this proposal. As far as the findings and evaluation, staff concluded that the plan is consistent with the established and developing land use pattern. The proffers will minimize high density residential impact. The proffer amendment component is consistent with the land use. And then with the negative again stating that the reclassification component is not consistent with the Land Use Plan. The application is also not consistent with the Transportation Plan recommendation regarding right-of-way dedication. As far as the Transportation Plan goes, it recommends Jefferson Davis Highway, or Cambridge Street rather, to be upgraded to a six lane divided facility which speaks to about 80 feet of right-of-way dedication from centerline. So there's a little bit of a shortfall between what the applicant is proposing and what the plan recommends, and that's why it's not consistent with the transportation element of the Comprehensive Plan. With that, staff still recommends unbalanced approval of Ordinance O11-22 with the proffers as submitted. And at this time I'll take any questions you might have.

Mr. Howard: Thank you Mr. Hess. How many people today are currently living in the apartment complex?

Mr. Hess: I would have to defer that to the applicant.

Mr. Howard: And then, do you know how the number 11 was used or how that was arrived at in terms of that half a million dollars or in terms of the, you know, the proffers where there was only 11 dwelling units used? Is that the delta between what was previously approved or...?

Mr. Hess: Well, you have two separate properties; one is already zoned R-3 and the other is zoned B-1. I believe what they were saying is based on their layout or based on what they could yield from the B-1 property would be 11 single-family attached units. So it's really for the reclassification portion. For the R-3, the already zoned R-3 portion, they said that's where their proffering the half a million. So, it's two separate cash proffers; one to one property and one to the other property, if that makes sense.

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Mr. Howard: Right. Are there any other questions for staff?

Mr. Fields: What would be the actual proffer total if all the units met the current proffer guidelines?

Mr. Hess: All 99 units?

Mr. Fields: Uh-huh.

Mr. Hess: Ninety-nine units... I think the total for each townhouse is about \$34,000 and change. It would come up to be about, because there's almost a hundred of them, about \$3.4 million total. And with what they're proffering together, it's about you know almost close to \$900,000, so the difference of about \$2.5 million.

Mr. Fields: Okay.

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: Yes, I do have questions related to the proffers. And right now there's a proffer restriction about there being no more than 85 children in the aggregate, I believe...?

Mr. Hess: Yeah, aggregate count, correct.

Ms. Kirkman: Aggregate count. And that's the most expensive piece of the proffer because of the schools piece.

Mr. Hess: I'm not quite sure I follow your question.

Ms. Kirkman: If you look at the breakdown of our proffer guidelines...

Mr. Hess: Yes.

Ms. Kirkman: ... I believe the school contribution is one of the largest components.

Mr. Hess: It is, yes, that's correct.

Ms. Kirkman: So, that's a concern that I have although they may have a zoning that allows a greater density. There is a current restriction that limits the number of children which incurs the greatest cost to the County. Also, it looks like this brings an additional 53 units. I guess... what calculations did staff do about the various impacts of these changes? Did staff do any analysis?

Mr. Hess: As far as... well, as far as I guess if you're talking about schools specifically, there are, if you look in the Comprehensive Plan, there are the student generation ratios or factors. And if you take the... I'll put it right here... I think if you take proposed change... let's see, because you're increasing from 46 units to 99 units I think staff projected, based on those ratios, the total number of students coming from elementary, middle and high school total would be approximately 63 students. So they still would be below that threshold. Taking that same... taking those same ratios...

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Ms. Kirkman: Excuse me...

Mr. Hess: I'm sorry...

Ms. Kirkman: Below which threshold, what threshold?

Mr. Hess: Well, not threshold but I mean...

Mr. Howard: The 85.

Mr. Hess: The 85, right, the current proffer the way it's stated. And again, that's just a student generation ratio could vary from one commercial... I'm sorry, from one townhouse development to another, but if you look at those ratios and you take those ratios again for high school, middle and elementary, the total number of students that is projected to come, that's going to generate from this project if it builds out to 99 townhouse units, would be 63 total students. So...

Ms. Kirkman: Excuse me... our proffer guidelines say that 99 townhouse units will only generate 60 some students?

Mr. Hess: Correct. That's based again on the average across the board. And we did that working with the schools when we updated the Comp Plan.

Ms. Kirkman: Right, okay. And you state there's no traffic impact analysis or traffic impact assessment included with this application, but our rezoning process I thought does require a number of assessments regarding fiscal impacts, traffic impacts, environmental impacts...

Mr. Hess: I mean, they do state their impacts in their impact statement. They have some information in there...

Ms. Kirkman: Where is that because I was looking for that?

Mr. Hess: That is going to be attachment 5.

Ms. Kirkman: Thank you.

Mr. Hess: You're welcome.

Mr. Howard: Any other questions for staff? We will be bringing the applicant up in a minute.

Mr. Hirons: Mr. Chairman, I do.

Mr. Howard: Mr. Hirons?

Mr. Hirons: I have a question about the proffer number 7.

Mr. Hess: Okay.

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Mr. Hirons: And this is probably going to be better answered by the applicant but I wanted to get staff's answer first. It speaks for the monetary contribution be specific for projects at Stafford High School and Chichester or Musselman Parks; why is that? Outside of the location, but they seem to be... it seems to attempt to make a fairly detailed direction there...

Mr. Hess: Correct.

Mr. Hirons: ... and I just wanted to see if I could get some background on why those specific projects.

Mr. Hess: I do... unfortunately I do not have the specific reasons as to why those two were specifically targeted. I imagine because they are the closest facilities as far as the schools are concerned, although there is Drew Middle School. But, I guess as far as the direction was given, I don't know why specifically those two. Again, you mentioned the high school.

Mr. Hirons: Thanks. I'm sure the applicant's probably going to have an answer to that.

Mr. Hess: Sure.

Mr. Hirons: Okay, thank you.

Mr. Hess: You're welcome.

Mr. Howard: Mrs. Hazard?

Mrs. Hazard: I guess we recently talked about this area of the County with our other project that impacted Manning Drive and, just because of the location of this particular property, from Drew Middle School and that whole intersection that we spent a lot of time at length discussing, and this may not be one also that you can answer but we don't have a TIA on this one. We talked at length about that one of the phasing we wouldn't need a TIA. My concern in general is Manning Drive, that intersection at Drew Middle School, we keep adding projects there that keep not meeting a threshold, but all of a sudden we're going to have a lot more traffic there. And so I just have some concern about whether we need the right-of-way dedication; are we really looking at what the proper traffic is in that area as we aggregate projects. It seems like right in that are we were just talking about Manning Drive I believe three months ago maybe, and so I'm just trying to get a sense of I don't want to have a horrendous situation there. So I'm just throwing that out; you may have a comment. I'm sure the applicant will but I just wanted to also throw out that concern that I have.

Mr. Hess: Right; I'm not exactly sure how much impact it's going to have, this project's going to have on Manning Drive. As far as the other property I believe, the other proposal you were talking about was Cambridge Street or Cambridge Property LLC. That actually has direct access onto Manning Drive whereas this one does not. I don't know how many people from this community would actually access Manning Drive. I mean, I think the big impact is where the middle school entrance and this townhouse entrance is going to be. It will be like an intersection further up on Cambridge Street, Route 1.

Mrs. Hazard: That was actually probably going to be my question, is how far away that... I still call it the Knights of Columbus, but I know we eliminated that proffer from it... but how far away that is and perhaps on the map you could show because we just talked a lot about that impact.

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Mr. Hess: Sure. Okay, I think the map unfortunately cuts it off because I don't think I brought it down far enough. But I know, as far as our description, we say from the intersection of Manning and Route 1 it's about 700 feet north; their project is about 700 feet north. So, and that property you're referring to is right on the corner of Manning and Route 1.

Mr. Howard: Mr. Hess, Fox Chase Boulevard... that doesn't really line up exactly though with Drew Middle School, does it?

Mr. Hess: Oh, it doesn't? Okay.

Mr. Howard: I'm not sure if it does; I'm asking that actually.

Mr. Hess: Oh, okay.

Mr. Howard: I'm not sure about that.

Mr. Hess: Yeah, I guess it does not... let me see something here really quick.

Mr. Howard: It seems to me from the renderings I've looked at, it's probably I want to say 50 feet apart maybe... 40 feet, 40-50 feet apart.

Mr. Fields: (Inaudible).

Mr. Howard: Yeah, but I'm not sure if that's accurate or not.

Mr. Fields: (Inaudible).

Mr. Howard: The aerial? I don't know if that aerial is accurate. I pulled that up today myself on the computer and I just don't know if it's exactly accurate.

Mr. Hess: I mean, it looks as though the new entrance they're proposing for Fox Chase Drive does align with the Drew Middle School entrance/exit.

Mr. Howard: It does align, right?

Mr. Hess: It does. If you look at attachment 6, which is the GDP, it's page 5 of 10, you can see that it shows it's being aligned.

Mr. Howard: Okay. So, was there any discussion with the applicant about proffering a traffic light there?

Mr. Hess: There was not.

Mr. Howard: Okay. Alright.

Ms. Kirkman: Could you explain how this \$500,000 proffer was evenly divided between Parks and Recs and the school system, since again sort of the school (inaudible).

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Mr. Hess: How it was divided or how it was decided to be divided?

Ms. Kirkman: Yeah.

Mr. Hess: Again, that was something that was relayed to me to relay to the applicant. So I don't know the nature of the discussions as how they arrived to a number such as \$500,000 and why half of it goes to the schools and half of it goes to Parks and Rec. I bet the applicant can answer that question.

Ms. Kirkman: In staff's opinion, is that the best way to utilize that proffer given the impacts of the project?

Mr. Hess: I mean, yeah, the two biggest impacts from a residential development are on school systems and Parks and Rec, because they are the most utilized by townhouse communities... and residential development in general.

Ms. Kirkman: Sure, what's the relative impact? I mean, it would be helpful... I was trying to find our proffer guidelines and I can't find the copy of those. It would be helpful to get another copy of those. But I seem to remember the Parks and Rec component being a fairly small part of that and the schools piece being a much larger.

Mr. Hess: Are you talking about the breakdown?

Ms. Kirkman: Yeah.

Mr. Hess: How you arrived at the total of \$34,000? It's \$34,753. Of that number per townhouse unit, it's \$7,462 that goes towards Parks and Rec and then it's \$15,303 that goes towards schools.

Mr. Howard: So it's 50% of what would go to schools... Parks is 50% of what would go to schools. And that was Ms. Kirkman's question is that the ratio relative to what we would typically want to see or acquire. And if not, what should it be.

Mr. Hess: Okay, so... okay, so if I were to take... I guess I'm trying to understand the question now because that was of the \$34,000...

Ms. Kirkman: Right, the Chair got it correct.

Mr. Hess: Alright.

Mr. Howard: So, in other words, we went 50/50 versus it seems as though the schools, in terms of the proffer guidelines, require double the amount of what we would request for Parks and Rec.

Mr. Hess: Correct. I see what you're saying now.

Mr. Howard: And Ms. Kirkman's question was, you know, why? Why not the same ratio, that's all.

Ms. Kirkman: Right. And, again, I think somebody else asked this but how was it decided that these things would... the proffers would be written to a specific school and a specific park?

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Mr. Hess: That I don't have the answer on.

Mr. Howard: Okay, we'll ask the applicant that.

Mr. Hess: Okay.

Mr. Howard: Any other questions for Mr. Hess? Okay, hearing none we'll now ask the applicant to step forward. Computer please.

Mr. Payne: Computer please?

Mr. Howard: Mr. Payne, you must identify yourself.

Mr. Payne: Do I have to?

Mr. Howard: Yes.

Mr. Payne: Thank you Mr. Chairman, other members of the Planning Commission. My name is Charlie Payne and I'm with the law firm Hirschler Fleischer and I represent the applicant. It's good to see you this evening. And thank you Mr. Hess for your presentation; you did an excellent job in overviewing our project, Fox Chase Commons, which is as you all well know located across from Drew Middle School off of Route 1. Fox Chase Apartments LLC owns the property which is the project being Fox Chase Commons. Mr. Chretien, the manager of the company, is here as well, as well as our engineer from Bowman. Just a quick overview of the project which I know has been well covered. The development proposal is for 99 attached single-family homes collectively on Tax Map 45-217 which, as Mr. Hess stated, is consisting of approximately 7.60 acres which is already zoned R-3, and Tax Map 45-217A, consisting of 1.48 acres which is currently zoned B-1. The application asks for a proffer amendment to 45-217; we're not asking for a rezoning on that project, on that property, it's already zoned R-3 which we are requesting for the B-1 piece so that we can do a comprehensive development between the two properties. The B-1 piece is about 1.48 acres; it sits along Route 1, along Route 1 in back. It's not conducive for commercial uses; it's better used collectively in this comprehensive project that we have proposed. We have asked to amend proffer O86-32 which was passed in 1986 which limited the number of children to 85 in that development. I would add that that's likely not an enforceable proffer but it is one nonetheless that we are asking to be removed, and likewise, the two bedroom limitation for any development on that site. Currently there are... go to the next slide, I'm getting ahead of myself here... currently there are 14 apartments with... apartment buildings with 46 apartment units. I think someone had asked how many residents are there. It's approximately 80 to 90 live there now. And also in regard to the seven acre property, in 2007 we had preliminary plat approval, plan approval, for that site for 94 units. So that's already been approved and it's vested. And that was for 16 to 18 foot wide townhome units. Again, 45-217A remains undeveloped and the surrounding uses, as you very well may be aware, to our north is agricultural use which there is a single-family resident, to our west... I'm sorry, to our east are multi-family, to our south is a commercial auto-boat sales used lot location, and across the street obviously to our west is Drew Middle School. The proposal again is to develop 99 attached 20 foot wide single-family quality units in accordance with our submitted GDP and architectural rendering, which we submitted with our application. The units will have one- or two-car garages and include 220 parking spaces which is in accordance with County requirements. By-right density for this site at R-3 for a cluster development is

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15 units per acre. For R-3 our proposal is 10.90 units per acre. So we've reduced the density on the site. Amenities include a 4,185 square foot tot lot and extensive walking path, all as shown on our GDP. The proposal, again as we're continuing forward here, we have cash proffers for Tax Map 45-217A of \$382,283 which are the full proffers provided in the guideline, and that would be for 11 townhouse units; \$500,000 cash contribution for 45-217, remembering that for proffer amendments, we're not required... or, you're never required in rezonings but... in proffering, you're not required to proffer any cash per se for proffer amendments. We have proffered \$500,000 and I'll get into more detail about that because I know there's some questions. We've also proffered our general architectural rendering, which was with our application, 50% of all unit façades facing Route 1 will be brick or stone, and 25% of the units within the whole development will be brick or stone on the façades. All our transportation improvements, including right-of-way dedications, are all as shown on our GDP. In regards to the Comprehensive Plan we are within the suburban land use district; it encourages multi-family and townhouse uses for properties R-rezoned. For these type of dwelling units, residential design and development should encourage access to major road arteries like Route 1; this project does. Within the suburban district, development should be within the Urban Service Area, which this project is. Development within the suburban land use district should be of higher quality; this project is. We are actually able by combining the two sites, we're actually able to provide a better product on that site and control the density. There will be no impact on natural resources and we have agreed to undertake architectural survey prior to demolishing any of the buildings on the site. We also include, obviously, recreational amenities and have proffered full cash proffers for the zoning component of this project and \$500,000 for the proffer amendment component. And we have provided innerparcel connections and sidewalks as well. This is a rendering of the design and construction materials that we would use. And I'm happy to answer any questions.

Mr. Howard: Thank you Mr. Payne. I guess the one question that has come up from a few different Commissioners was the \$500,000 and how was that number derived at number one, and number two was the 50/50 split between Parks and Rec and schools; if you could explain the thought process behind that.

Mr. Payne: It's the economy, the economy, the economy. I guess the best way to answer that is one, obviously we've got a vested right in our preliminary plan for 94 units. We submitted our construction plans and we basically can move forward with that project with no proffers, with actually not having to provide anything other than what we have provided on our plans. We took a look at the comprehensive development scheme of that area, including the 1.48 acres. We thought that we could take advantage of combining those two parcels together to provide a better product. It's good for us, it's good for the County. And we're talking about a product in the \$200 to \$250,000 range which obviously generates significantly a lot more revenue than the other alternative to that site. We also thought that given the fact that we wanted to eliminate the two-bedroom limitation where we would have one-, two- or three-bedroom opportunities... it doesn't mean we're going to do more than two-bedroom, obviously the market drives a lot of that... we thought that it'd be appropriate to proffer, if you will, some additional cash for recreation and schools and so they are the two biggest impacts on core services in the County. And I know that there was just a recent discussion regarding building a new high school in South Stafford, that is in the South Stafford area, and recreation has obviously been on the County's plate for some time. So we thought those were the two most appropriate places to put these funds given the needs in the County and we split it equally. Stafford High School was identified because of the proposal for the new high school again in South Stafford and the new park which was... we proposed 50% for that one because that seemed to be a little ahead in planning and development

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than any of the other proposals in that area. So, again, it was to address the immediate issues in South Stafford.

Mr. Howard: Okay. Are there any questions from the Commissioners for the applicant? Mr. Hirons?

Mr. Hirons: Yes. With regards to that proffer in particular, would you be willing or would you accept some language to adjust it... I want to give some flexibility there. I like that you want to keep money in South Stafford but I do want to give some flexibility in case you're not able to start building, selling, etcetera, by the time Stafford High School goes through its rebuild process and the parks end up open. So, I don't know what the language might say but something along the lines of...

Mr. Payne: My only dilemma with that is, you know, I was born and raised in South Stafford and graduated from Stafford High School and my family has been in South Stafford since 1721. So, no... no, I'm just kidding. It's really up to you. We offered up an option but it's always up, in our opinion, to the determination...

Mr. Hirons: I like that. I think maybe we'll want to work a little bit on that language just to free that up a little bit, if you don't mind, and the accepting of that. But I do like that it does identify those very important projects down in South Stafford; it's going to help us out a lot. One other question that I had was our Fire Marshall asked for proffers related to sprinkler systems or fire suppression within the homes, and I know this seems to be something that he's going to say every single time, every single applicant that comes through, and in our recent application with the Eskimo Hill project, the applicant there accepted language that was related to or said something along the lines of not requiring fire suppressant systems within single-family or townhomes, but there would be an offer of sale to the purchasers of fire suppression within the homes. And I wanted to see if we could get that same proffer onto the one as well. And Mr. Harvey may have to help with recollection of what that language was and how it read.

Mr. Harvey: Yes, Mr. Hirons; it's pretty much as you said. The applicant committed in their proffers that they would make that an option available to potential purchasers to have that additional feature to their home.

Ms. Kirkman: Could I ask a clarifying question regarding that?

Mr. Howard: Sure.

Ms. Kirkman: So, Mr. Harvey, on townhomes our fire code has no requirements for fire or building code? There's no requirements for fire suppression?

Mr. Harvey: My recollection is with townhomes, there's a requirement for fire separation in between the units as far as the walls, but not for individual sprinkler systems. If you get into a multi-family structure where you have multiple floors and units that are surrounded by walls that have additional units on tops or bottoms and around the sides, that's when you get into the situation where sprinkler systems are required.

Ms. Kirkman: And is that a function of the Zoning Code... the building...? Like what part of our Ordinance covers that?

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Mr. Harvey: Ms. Kirkman, it's part of the Building Code.

Ms. Kirkman: And which is essentially the State Building Code? I'm trying to understand... I'm really troubled by the fact that these high risk situations are developed in terms of fires and yet we seem to have no ability to require fire suppression systems.

Mr. Harvey: Yes, it's a function of the State Building Code which also is tied to the International Building Code.

Ms. Kirkman: And we don't have any ability to pile on top of that?

Mr. Harvey: You could, through a proffer. If someone was to proffer that they would have their building served to higher standard than what the code requires, they could proffer that. We've had that in a number of occasions with commercial projects where they've proffered sprinkler systems or standpipe systems.

Ms. Kirkman: Right. Because right now the proffer that was suggested by my colleague I think is proffering to offer to sell something.

Mr. Howard: Correct.

Mr. Hirons: It is, and I think I probably share your concern that you're going to (inaudible).

Ms. Kirkman: Thank you. I just thank you for letting me get that clarification from staff.

Mr. Payne: We... just to respond to Mr. Hirons' question, we'd be open to providing the flexibility to our purchasers for that option in our proffer. Again, it's very expensive to put it in every one of the units and...

Mr. Hirons: Absolutely. And I think part of my goal there is to get that language that we kind of started to flush out with our previous application and to all future applications. As the Fire Marshall... I assume we're going to see that every time and I don't think many applicants are going to be too excited to add that. So if we can do something somewhat proactive to kind of address those issues.

Mr. Payne: I will tell you, the flow, the water flow there is excellent for that site and obviously has great open access if there is a fire. And there are firewall, obviously, requirements for townhouses. But we will certainly, since we're not required by building code requirements, we'll certainly offer that option to purchasers.

Mr. Hirons: I have one last question.

Mr. Howard: Sure.

Mr. Hirons: I think it's one last question. In attachment 5, page 4, where you address the fiscal impact or provide a fiscal impact, and this may be kind of a more of an education for me, kind of dumb question possibly, but in paragraph (a) it speaks to how that number's arrived. And one of the things is vehicle decal revenues broken down as follows, and then the very last line speaks to vehicle license fee revenue. And I just wanted to see where do those numbers actually come from?

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Mr. Payne: We contacted your Commissioner of Revenue.

Mr. Hirons: Okay... who has left the building.

Ms. Kirkman: As quick as he could.

Mr. Hirons: It kind of stuck out to me because, you know, in Stafford County we don't have decal fees any longer. I wasn't sure if that was something that was old or...

Mr. Payne: I think they still charge a fee but don't give you a decal if my memory serves me.

Mr. Howard: That is correct.

Mr. Hirons: I don't know; my wife pays the bills, what do I know.

Mr. Payne: I'm sure you can get one if you want a decal.

Mr. Hirons: No.

Mr. Howard: My sticker expired in 2006 but I'm current.

Mr. Hirons: Again, that probably comes from some of our discussion from the Eskimo Hill application. I wanted to make sure our numbers are correct or as accurate as they can be.

Mr. Payne: Yes sir.

Mr. Hirons: Thank you.

Mr. Payne: Thank you.

Mr. Howard: Okay, Ms. Kirkman?

Ms. Kirkman: I have two questions. The first is, were the 80 residents that are currently living there notified of the public hearing tonight?

Mr. Payne: There's a sign out front; I assume they were.

Ms. Kirkman: A sign that says what, a rezoning application?

Mr. Payne: The typical notice for the public hearing and the zoning matter before you today.

Ms. Kirkman: So, do they understand that their homes are going to be torn down?

Mr. Payne: They've understood for a long time. When we went forward initially in 2007 or so with the plans to sell townhouses and we came forward to this Planning Commission to get approval for our preliminary plat, at that point in time... you know, we had a buyer at that point in time... they were

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notified that, you know, in the near future they may very well need to move out. And I think... are they pretty much month-to-month now? Yeah, it's in every lease; they're month-to-month now.

Ms. Kirkman: They're month-to-month? Okay. And I remain troubled by the fact that as we heard from staff the proffers normally associated with a rezoning of this scale would run about \$3.5 million in cash and what's been offered is about two and a half million short of that, and particularly since there were no cash proffers associated with the original rezoning. So the taxpayers, in essence, have been subsidizing this. Why not pay up now?

Mr. Payne: Well, a couple things. One, taxpayers haven't necessarily been subsidizing that site I don't believe, but secondly, we've got, you know, in all honesty we've got by-right 94 units that we don't have to pay any proffers for and we actually are vested for that. So that's one thing that is obviously a fact. The second component of that is the fact that we are offering a higher quality product which will pay for itself. So I would disagree with your assessment, respectfully, that the taxpayers would subsidize this project. And then in addition to that, we're offering \$500,000.

Ms. Kirkman: Thank you.

Mr. Howard: Thank you. Any other questions? Mr. Fields?

Mr. Fields: I see your fiscal... I was looking at your impact statement and I noticed you project the revenue, but if you say these things pay for themselves where's the... do you have an analysis in here that shows that?

Mr. Payne: Well, we're looking at the fact that there are going to be about \$200/250,000 which is what we provided in our analysis here I believe for the (inaudible). In fact, we average it at 242.

Mr. Rhodes: Where's that again?

Mr. Fields: Well... yeah. And so how does that pay for itself in terms of services?

Mr. Payne: Typically homes in this price range pay for themselves in Stafford County.

Mr. Fields: Wow, when did that change?

Ms. Kirkman: I thought we saw something even (inaudible).

Mr. Fields: When the... I mean, when you reopen, I know you have the by-right but generally when you open, of course that's part of the can of worms you open when you open a proffer amendment is you really put the entire, in essence, you put the entire project back on the table. So, you know, I have to say that you believe that the 800,000 whatever, some 800 and some thousand completely covers the infrastructure impact to the County of Stafford of all of these units when they're built out and that the taxpayers will not be liable for a single penny of infrastructure cost incurred by this development at 99 units with the current cash proffers?

Mr. Payne: My belief is that we have a by-right project which we don't have to pay any proffers.

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Mr. Fields: I know that's what you have, but I'm just saying... by saying that you have that but by offering what you're offering, you're saying you believe then that this project will pay for itself with the 800 and some thousand dollars in cash and there will be no cost to the taxpayer for the infrastructure cost generated by these homes.

Mr. Payne: There'll be a greater cost to the taxpayer if we went by-right forward as we are.

Mr. Fields: Okay.

Mr. Payne: And I'm not sure where your question is going, or perhaps I do know... what we're offering is a better quality alternative. And we can agree or disagree on this I guess but that's what we're offering.

Mr. Fields: Mm-hmm.

Mr. Howard: We'll agree that you both disagree.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: I do have a follow-up question. What analysis are you basing your statement on that it would cost the County more for you to proceed by-right with 94 units that have a two-bedroom restriction and the restriction of no more than 85 children in the aggregate?

Mr. Payne: What analysis do I have? I'm paying zero for that project to move forward.

Mr. Howard: Right, so, I don't want to speak for Mr. Payne but I think what he's indicating is by-right he could build 94 units today and not offer the 900 and something thousand dollars in proffers. So we would be minus the 900,000, is that your...?

Mr. Payne: You're plus a million if you will, close to a million if you will as we have changed this project.

Mr. Howard: I think that's his argument, is that... or your statement rather?

Mr. Payne: Yes sir.

Ms. Kirkman: Well, but obviously that's not attractive to the applicant to go forward with that by-right development or they wouldn't be before us today.

Mr. Payne: I'm not sure how to respond to that other than to say that we're putting forward a better option for both parties, for both the County and for the applicant.

Mr. Howard: Right, and that's your perspective. And I think again one of the Commissioner's doesn't necessarily share that same perspective. Are there any other questions of the applicant? Okay, hearing none I'll now open the public hearing portion. And this is where the public gets to step forward and talk to us about what we've just discussed. So anyone that would wish to address the Planning

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Commission may do so. When you step forward, just state your name and address. You have three minutes when the green light goes on, the yellow light goes on...

Mr. Chichester: Thank you Mr. Chairman. My name is Richard Chichester. I own most of the property adjacent to the applicant's property. I've lived there all my life and I'd recommend that this be reclassified according to the applicant's wishes. My brother is right straight across Route 1 for part of it. My brother, Daniel, he has no objection either. And I have spoken with the applicant, I've spoken with Charlie Payne and our Supervisor, Susan Stimpson, and they have kept me informed. And I've met with all of them and the things I'm asking is favorable to them. I go back a long time on that property; I remember when it was a very busy commercial place. It was a motel, it was a restaurant, the restaurant had a hog pen right adjacent to our property for pork for the restaurant. My mother didn't like that but I think that was before these environmental studies became popular. But anyway, I'd like to tell you that the applicant and the lawyer and the Supervisor have all worked closely with me. We're in favor of it and recommend it to you. Thank you.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission during the public hearing portion of this meeting may do so by stepping forward to the podium. I just ask you to state your name and address and then you have three minutes to address us.

Mr. Horan: Alright, thank you. My name is John Horan. I just wanted to clarify a couple of issues that were brought up. As far as the tenants being notified, only if they knew what a red zoning sign meant that that meant there was some sort of zoning meeting. Yes, several years ago before the crash, we were told there might be a buyer; it did not impact any yearly leases or anything at that time. And like my neighbor signed a year's lease in I do believe this May that's good to next May. So, saying that everybody is on, you know, on a monthly basis, yes there probably are quite a few. One of the reasons why some people don't go on the month-to-month leases is that the management company charges an additional hundred dollars if you go on a month-to-month lease. And those that aren't planning on moving in the near future certainly, with the economy being tight, it's you know not the best of options. So, I mean, those are the only comments I had is I just wanted to make sure that you know some of the things that were said there was, you know, some clarity as far as what's actually been offered up to the tenants as far as any sort of information or anything. And... that's all.

Mr. Howard: Thank you.

Mr. Horan: Thank you.

Mr. Howard: Anyone else wishing to address the Planning Commission may do so by stepping forward to the podium. Seeing no one else advancing to the podium, I will now close the public hearing portion and bring it back to the Planning Commission for further discussion. Are there any additional questions that any of the Planning Commissioners would like to ask either staff or the applicant?

Mr. Hirons: Mr. Chair?

Mr. Howard: Mr. Hirons?

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Mr. Hirons: I would like the citizen's concerns addressed on the discrepancy on the month-to-month versus yearly lease, and then the \$100 fee they're getting charged if they're month-to-month, as he described.

Mr. Payne: Mr. Hirons, I apologize. My client just informed me that they are year leases but there's a notice that with 90-day prior notice they may have to vacate if they sell the property for development purposes. So there is a notice in there that gives them 90 days to get out to move if need be, if the applicant moves forward to sell the property to develop it. And there isn't a hundred dollar fee charged to month-to-month tenants, so I'm not sure what that...

Mr. Howard: There is or there is not?

Mr. Payne: There is not.

Mr. Hirons: I'd like some clarity on that.

Mr. Howard: Who's the management company that manages the complex?

Mr. Payne: La Casa Realty.

Mr. Howard: La Casa Realty? Can you spell that for me?

Mr. Payne: Just l-a-c-a-s-a.

Mr. Howard: Okay.

Mr. Payne: Do you want to address the...?

Mr. Howard: You just need to tell us who you are sir.

Mr. Chretien: Good evening. I'm Paul-Noel Chretien, one of the managers of the LLC. Just to clarify, the tenant's comments are correct. The management company, on its own, has been doing this for years. They prefer people to go year-to-year leases and they don't charge much of an increase. But a lot of people don't want to commit to a year so they say if it's... it's more if you're going to go month-to-month. That has nothing to do with the sale of the property which is years away. But just as a precaution, we tell each of the tenants we might sell it at some point in the future; if so, you'd have 90 days written notice before we do. We thought we were going to sell it in 2005. We told them it might be sold; we'd let them know if it got within six months. That never happened, so we've tried to be as open as possible to the tenants.

Mr. Hirons: Can we get a copy of your standard lease?

Mr. Chretien: Absolutely.

Mr. Hirons: Because you are saying you're telling them but I've signed leases and, you know, they're five pages long and lots of small, small words.

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Mr. Chretien: There's a special paragraph, in fact, it's hand-written in the lease. It stands out more because it's not part of the standard lease form. I don't know what page it's on but we'll be happy to provide you a recent copy.

Mr. Hirons: Yeah, if you could that'd be great. Like you said, it's not particularly directly relevant to, but I think it's pretty indirectly relevant to this whole application and issue because we certainly don't want to displace folks that are going to have issues finding homes elsewhere, within Stafford County in particular. I'd certainly like to keep as many people as we can here if they enjoy living here.

Ms. Kirkman: Is the applicant willing to proffer financial assistance for relocation of existing tenants?

Mr. Chretien: We have proffered some assistance.

Ms. Kirkman: And what's the nature of that?

Mr. Chretien: We'll give them counseling with our management company, free counseling, \$100 and 90 days written notice.

Ms. Kirkman: A hundred dollars? Okay, thank you.

Mr. Howard: Okay, any other questions? Thank you.

Mr. Chretien: Thank you.

Mr. Howard: Mrs. Hazard?

Mrs. Hazard: Yes, this is probably for Mr. Payne, before you sit down. Could you just go over for me, and I know that they're listed and I don't know if it can be done even on the rendering of the... the traffic improvements that are being shown. I see the 55 feet dedicated right-of-way. As I shared I believe when Mr. Hess was at the podium, we are seeing other projects creeping up right in that same area with varying degrees of traffic counts that my concern is, is we keep adding project by project. And I know this may not be totally associated with your project, but I'm trying to see how that whole area, not just right in front of where you are, how that's going to impact that whole traffic flow if we're making something worse is my general concern. And you may or may not be able to answer that, but we've just gone through another project where we spent a heck of a lot of time talking about were we meeting thresholds, were we not, and it's only within I believe Mr. Hess said 700 feet of the entrance to this.

Mr. Payne: I actually think it's about 1,500 feet based on our scale. Is that correct? And I'll try to outline your question and I apologize if I don't hit all. I mean, one, obviously we don't trigger a TIA study because it's under the thousand trips. We do have a 60 foot right-of-way dedicated along Route 1 as obviously shown in our GDP and staff has discussed. We have a single entrance into and out of the proposed Fox Chase Drive which is the main drive into the entrance, into the development; a 15 foot street buffer along Route 1 which is also shown on the GDP; construction of a dedicated right turn lane into the site and a dedicated left turn lane into the site off of Route 1. Did I cover everything Justin?

Mr. Troidl: Which aren't there right now.

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Mr. Payne: Yeah... which are not there now. And we did initially in 2007 when we were obviously moving forward with our preliminary plat, VDOT did not want a light at that intersection. And I think that was a question from before.

Mr. Howard: Yeah, that was my question. I would think things are different today.

Mr. Troidl: When we do site plans... I'm Justin Troidl of Bowman Consulting Group. When we originally did the preliminary plan back with the 94 units, we had in length discussion with VDOT Stafford County and based on that intersection, they did not want a light at that time. There's five additional units that we would propose versus the previous application which probably would not still throw it over the requirement for a light at that intersection. And I'm not sure VDOT again would support a light at that particular intersection.

Mr. Howard: No, I understand that but I think, as I said, things have changed since 2005 and there's other development that's been approved right there...

Mr. Troidl: Sure, sure. Yeah, and I think that would come up...

Mr. Howard: ... which is Mrs. Hazard's point.

Mr. Troidly: ... when we go to preliminary plan and site plan, that issue probably would be addressed again.

Mr. Howard: Okay.

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Mr. Rhodes?

Mr. Rhodes: Just from the way it looks here, if you went to an 80 foot right-of-way dedication, it appears to me the only thing it impacts is a small portion of the five foot trail and maybe touches the edge of the parking lot associated with the tot lot. Is that your all's...? I just wondered if there's something else it impacts that would cause a problem with this.

Mr. Troidl: Open space is the big issue. We have to provide a 50% open space for the site which allows us to add all the additional amenities we have along there. By adding the 80 feet, it would take away from the open space provided on the site.

Mr. Rhodes: How tight are you on the open space then?

Mr. Troidl: I believe we're very tight on the open space.

Mr. Rhodes: I see, okay. Thank you Mr. Chairman.

Mr. Howard: Thank you.

Ms. Kirkman: Mr. Chair, I have an additional question but for staff.

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Mr. Howard: Yes Ms. Kirkman; for staff? Okay. Mr. Hess.

Mr. Hess: Yes Ms. Kirkman?

Ms. Kirkman: I know you touched briefly on this, but I guess I'm a little puzzled. We went through a lot of discussion about the suburban areas in the Comprehensive Plan and build-outs around those and I was just pulling up the language again since we were conveniently provided with a copy of the Comprehensive Plan tonight. And it's pretty clear; in here it says development densities in suburban areas, which is what this is in, right, in the Comprehensive Plan, is that correct?

Mr. Hess: That's correct.

Ms. Kirkman: Development densities should not exceed three dwelling units per acre for residential development. And what was the density for this proposed project?

(Inaudible from audience.)

Ms. Kirkman: What is it? Ten.

Mr. Howard: 10.9.

Ms. Kirkman: And it also says new dwelling unit types should be limited to single-family detached homes and these are townhomes. So, here we are, what, eight months from the passage of the Comprehensive Plan and staff is already recommending approval of a project that's not in compliance with the Comprehensive Plan? I just... if you could explain the thinking on that, that would be helpful.

Mr. Hess: I think one thing we stated also was a positive is the pattern of the area. There is a townhouse community right there so we said that it conforms, it complies in a sense of the established development in the area. I do see what you're saying. That was something that was pointed out. That's why we said one component was consistent and one component was not consistent. You know, that being the R-3 already zoned property. Again, it says on land that's previously been zoned or approved for a more urban form of residential development may develop at a density of 7 to 15 units per acre. The only thing that does not conform is the rezoning from B-1 to B-3 which is, I believe, 1.4 acres and that's where they're getting the additional 11 units, townhouse units. You know, it's a toss-up. I mean, we said it was unbalanced; it conforms to already what's going on there, the 7.4 acres of the R-3. Again, they're consolidating the two properties to make it one R-3 property for that area.

Mr. Rhodes: If you read on page 10 of the staff report, it does say that.

Ms. Kirkman: Right, I was getting some further clarification on that.

Mr. Howard: That's why Ms. Kirkman was asking. And it's also... what Mr. Hess is indicating is a guiding principal throughout the Comprehensive Plan in terms of the way the neighborhood exists today, the conformity of the current conditions.

Mr. Hess: And these are the tools we have in front of us and it does state should be limited to single-family detached units. We did try to point that out as well.

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Mr. Howard: Right, thank you.

Mr. Hess: You're welcome.

Mr. Howard: I'll now close the public hearing portion; we closed the public comment section, we'll close the public hearing portion and bring it back to the Planning Commission for discussion.

Mr. Hirons: As the Commissioner from that district, I'm going to ask for a deferral. We have a couple issues I think are out there. We'll ask the applicant to work with staff on that language in proffer 7. I like keeping it directing to specific projects but I'd like to give some flexibility in case other needs happen to arise or the needs that are specified go away, which isn't likely. Also, I'd like staff to work with the applicant on the Fire and Rescue proffer related to the fire suppression sales option. I know that's not the greatest thing in the world, but I think that again starts to address the Fire Marshall's issues. And then the last thing, I'd like the applicant to provide staff with a copy of your current lease and if staff could forward that onto the Commission members I'd appreciate it.

Ms. Kirkman: And, Mr. Chair?

Mr. Howard: Yes Ms. Kirkman?

Ms. Kirkman: Mr. Hirons, would you consider also working with the applicant to increase the financial assistance for relocation of the existing tenants? My concern is a hundred bucks will hardly get you a U-Haul truck to get out of there.

Mr. Hirons: I'll certainly gladly have that conversation with them.

Mr. Howard: Alright, so is your motion to defer with those...?

Mr. Hirons: Yeah, if there are no other comments, I'll move to defer this until our next meeting, which is whenever.

Mr. Howard: I believe it's September 7th.

Mr. Hirons: September 7th.

Mr. Howard: Is there a second?

Mr. Rhodes: Second.

Mr. Howard: Seconded by Mr. Rhodes. Any further discussion? Any other comments from Commissioners? Hearing none I'll now call for the vote. All those in favor of deferring the reclassification and proffer amendment of Fox Chase Commons which is RC1100029 signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

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Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0. Thank you very much for coming in this evening. That moves us to item number 8 which is an amendment to the Stafford County Comprehensive Plan which is really proposing to amend the Comprehensive Plan by amending the textual document entitled Comprehensive Plan 2010-2030. And in essence, I believe, this is just the... would add an Implementation Plan as a new chapter. Is that right?

8. AMENDMENTS TO THE STAFFORD COUNTY COMPREHENSIVE PLAN (the "Comprehensive Plan") - The County proposes to amend the Comprehensive Plan by amending the textual document entitled "Stafford County Comprehensive Plan, 2010 – 2030" (the "2010 – 2030 Plan"), dated December 14, 2010 and last revised on June 7, 2011, in accordance with Section 15.2-2229 of the Code of Virginia (1950), as amended. The proposed amendment would add an Implementation Plan as a new chapter (Chapter 7) to the 2010 – 2030 Plan. **(Time Limit: September 3, 2011)**

Mr. Zuraf: Correct.

Mr. Howard: Okay. Thank you Mr. Zuraf.

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission, if I could have the computer please. And I guess before I get into the presentation, I do have to inform you that what we did discover this afternoon was that we did only send you 9 of the 16 pages of the Implementation Plan in your package. So you did receive the full 16 page document at your desk.

Mr. Howard: What did you advertise?

Mr. Zuraf: Well, we advertised the plan itself...

Mr. Howard: Okay.

Mr. Zuraf: ... but also what went on the web was the same that you received, only 9 of the 16 pages. So, just to let you all know that. And what you did receive, you know, the plan in its current version is the same version that you sent onto the Board. The Board did not make any changes to that document as they went through their review of it.

Mr. Howard: Thank you.

Ms. Kirkman: Mr. Chair.

Mr. Howard: Ms. Kirkman.

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Ms. Kirkman: Oh, she's not here. I just want to get the attorney's read on what the impact of posting on the website an incomplete copy is for the purposes of the public hearing tonight.

Mr. Howard: Sure, we can ask Ms. McClendon when she comes back. Okay Mr. Zuraf.

Mr. Zuraf: Okay. Looking at the proposal again, as mentioned, it's an amendment to the Comprehensive Plan 2010-2030 document itself to add the Implementation Plan as a new chapter, Chapter 7 of the document. As background, when the plan was approved back in December, part of the plan in Chapter 2 recommends an Implementation Plan be developed and provided to the Planning Commission within ninety days of that approval. That subsequent to the approval of the document in December, an Implementation Plan Committee was formed with Mrs. Hazard and Mr. Howard as members on that Committee. They worked on drafting the implementation plan and sent it on to the Planning Commission March 16th. The Planning Commission looked it over, on June 7th they sent it on to the Board and on July 5th. The Board then referred through R11-210, the document back to the Planning Commission for this public hearing, and for a follow up recommendation from you. The purpose of the plan is to provide some concrete actionable steps that would be required to implement the goals, objectives and policies of the comprehensive plan. The content of the document itself is kind of broken into three parts. You have an action list that is divided into main areas that are affected by growth and development. Those main areas consist of issues dealing with land use, the environment, transportation, utilities and cultural resources just to name a few of the general topics. And within those main categories you have different types of actions. They deal with long range updates to the County Code, also short term actions and then ongoing projects are also some of the types of action lists items. Then you do, in the second part, have a timeline that is in chart form. Within the timeline it prioritizes all the tasks, within the chart includes timing, also completion dates and then responsible entities. These responsible entities would be the different county department and agencies that would be responsible with carrying out, doing some of the leg work and then also the Boards and Commission that are tasked with the review and approval authority of the different tasks. And then at the end of the document there are monitoring and tracking methods that are provided that identify possible ways to track the progress. One of the main ways that we see is through adding a status update as part of the Planning Commission's annual report to the Board of Supervisors. Here is just a, kind of a snapshot of a portion of the timeline that looks at the land use section and you can see the different actions within that are spelled out. And within each action the different responsible entities, Planning and Zoning is P and Z, Commissioner of Revenue would be involved in the first land use task identified there and each task is kind of identified and has different, kind of, timing mechanisms. Some tasks happen every two years, some are ongoing, others are kind of specific projects that would occur at a certain, during a certain timeframe so we tried to identify that the best we could and reflect that in this and I'm certain that there may be need to adjust this as we move forward as some priorities change as we go along. And also, to let you know we're kind of in progress as we speak right now in carrying out some of these tasks, you know, we started out in this implementation plan, this year being the first year, so, the year's more than halfway through so we're already working on things. The redevelopment plans have been adopted, the telecommunications plan has already been through this group and it's at the Board level, the transfer of development rights, plan and ordinance, that's in process right now, the Courthouse UDA small area plan, that's in development and we're working on a staff level to try to establish some development tracking mechanisms to see where growth is going as we move forward. But in general this is a new feature to the county's comprehensive plan. It does provide a good work program for the county staff to evaluate and measure as... and check future staffing needs and funding as we move forward and then provides a

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framework for measuring success of the plan and evaluating any future adjustments that might need to be made as priorities change. And staff would recommend the amendment to this 2010-2030 plan to add the implementation plan and the different Planning Commission resolutions have been provided to reflect your recommendation.

Mr. Howard: Thank you Mr. Hirons. Ms. McClendon, while you were out, before we opened up the public hearing we learned that on the web site and also in our package mailed to the house, we received roughly 50 percent of the timeline, or the plan, I should say. Although that seems to be advertised correctly in the newspaper, yet access to the whole plan, in terms of the timeline, may not have been available until today. So how does that impact the public hearing?

Ms. McClendon: Mr. Chairman, I believe the problem comes down to notice and what the public is able to inspect, so the public have a link to a document that's on the web site but what they're able to inspect is only a half complete document, therefore things in front of you tonight they haven't been able to completely consider, so I think that would invalidate being able to hold the public hearing with the appropriate notice as stated in the code.

Mr. Howard: Okay. So we have until September 3rd on this particular item, which obviously would expire and... my recollection also there was when there's a time limit if we don't take an action it does go back to the Board of Supervisors as though deemed as recommended to the Board of Supervisors, is that correct?

Ms. McClendon: That's correct. If you don't act within ninety days it goes back to the Board deemed Recommended Approval from the PC, the Planning Commission.

Mr. Howard: Would the Board then have to send it back to us to hold the public hearing at the Planning Commission level?

Ms. McClendon: I believe so. I'd have to check and make sure but I believe there's public hearing requirements for the Planning Commission for the passing of the comprehensive plan.

Mr. Howard: Right, correct, yeah. All right. So it seems only natural that we not continue with the public hearing and allow this to expire with a note to the Board of Supervisors from the Planning Commission indicating that we did not advertise this correctly and the expectation is it would be sent back to us, again under the same ninety day plan, and then at which time we could vote to advertise for public hearing again. Does anyone have any different thoughts on that?

Mr. Rhodes: No, Mr. Chairman, that makes sense. I just gotta say I like the format.

Mr. Howard: The format's good we have to make sure we get all 16 pages.

Mr. Zuraf: I apologize for that.

Mr. Howard: Alright, so we will... we are canceling the public hearing tonight on Amendment to the Stafford County Comprehensive Plan as depicted as item number eight on the official agenda dated August 17th, 2011. That brings us back to item number six, which is new business, and we had just heard from Ms. Ennis and I believe there were some questions and we have not heard from the

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applicant yet. So why don't we at least invite the applicant to come forward and talk about Amber Oaks Section 2 Preliminary Subdivision Plan.

6. *SUB1000355; Amber Oaks, Section 2, Preliminary Subdivision Plan* - *A preliminary subdivision plan for 27 single family dwellings, zoned A-1, Agricultural Zoning District, on Assessor's Parcels 34-21, 34-22, 34-24, 34-25 and 34-40, consisting of 105.17 acres, located on the south side of Warrenton Road at the end of Richwood Cove, within the Harwood Election District. (Time Limit: October 5, 2011)*

Mr. Palmer: Good evening, members of the Planning Commission. I'm Hamilton Palmer. Our firm prepared the plans and the client... owner is here tonight, Tricord, Mr. Tim Hall, and they submitted the application for the preliminary plan. We've received comments from staff, we addressed those comments at TRC and subsequently in the next two months after that. We're here tonight, hopefully we can address any questions that you might have. We would like to walk out of here with approval, or at least request approval tonight, so, we feel we've addressed all of the comments from staff.

Mr. Howard: Thank you. This is in Hartwood, even though it says Harwood. It was Mr. Palmer, is that correct?

Mr. Palmer: Yes.

Mr. Howard: Just for your information, and you may already know this, but as a matter of course, and I don't know how this will go tonight, but as a matter of course we don't necessarily take action on new business the first time it's on our agenda, so that's just a normal, typically a normal way to operate to give everyone time to absorb it and learn more.

Mr. Palmer: Thank you.

Mr. Howard: I'm confident, you're confident, but I'm not sure that outcome is achievable, tonight anyway.

Mr. Palmer: I can always ask.

Mr. Howard: So are there any other questions of the applicant?

Ms. Kirkman: I had just asked of staff or the applicant where the worksheet was or what happened with that.

Mr. Palmer: Sheet two of the construction plans has the traffic counts down on the bottom left, and we were not required to provide a TIA for this project.

Ms. Kirkman: So I need to clarify with staff, are you all no longer doing the TIA worksheet?

Mr. Harvey: Ms. Kirkman and Planning Commissioners, I reported, I believe it was in the month of June that VDOT standards had changed for TIAs...

Ms. Kirkman: July 1.

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Mr. Harvey: ... effective July 1, yes, so...

Ms. Kirkman: But this was prior and so if there are any more that are in the pipeline, I'm just wondering did you all stop doing the TIA worksheet back in January of this year when this application came in?

Mrs. Ennis: Yes, it was not required at the time.

Ms. Kirkman: No, I...

Mr. Howard: Ms. Kirkman's question is typically with every application there's that one page...

Mrs. Ennis: Yes.

Mr. Howard: ... that we see that...

Mrs. Ennis: I have the TIA and it was written on, not required.

Ms. Kirkman: Okay.

Mrs. Ennis: It was not applicable to the application.

Ms. Kirkman: So there's a worksheet. That's all I was asking, was where is the worksheet?

Mr. Howard: Right, she just wanted to see the worksheet.

Mrs. Ennis: Yes, there is a worksheet provided, but it was crossed out because it wasn't required or applicable.

Mr. Howard: So the question, then, let me ask Mr. Harvey a different question. Mr. Harvey, in the planning stages by the planning department, in the application process there is a worksheet for the TIA to determine whether or not a TIA is actually needed. Is that worksheet part of the package any longer or not part of the package?

Mr. Harvey: I don't know if we've...

Mrs. Ennis: They are not part of the package any longer.

Mr. Howard: Okay, so maybe it was never part of the package but included in some of the packages.

Ms. Kirkman: Well it has always been...

Mrs. Ennis: It was included with this package but it wasn't...

Mr. Howard: We don't have it.

Mrs. Ennis: No, I did not provide it to the Planning Commission.

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Mr. Howard: So it is not in... from our perspective, it's not in the package because we don't have it.

Mrs. Ennis: Because it wasn't applicable at the time.

Mr. Howard: Well then we would see a blank page that says not applicable.

Ms. Kirkman: We would see, as I recall, that worksheet has like what the projected peak vehicles are per hour, and what the total daily volumes are, and based on that information a determination is made whether or not it's required. And that used to be in all of our packets and it hasn't... it wasn't in this one and I was just asking was it done?

Mrs. Ennis: There was... no, it was not required so it was not done. It was not reviewed.

Ms. Kirkman: But the worksheet is how staff, in the past, has determined whether or not it was required.

Mr. Howard: We're just asking if the worksheet was filled out and you're saying no.

Mrs. Ennis: No.

Mr. Howard: The worksheet's not required.

Mrs. Ennis: It was not reviewed.

Mr. Howard: Okay.

Ms. Kirkman: Thank you.

MR. Howard: Thank you. Any other questions for staff or the applicant? I have a question for the applicant, perhaps? On the Howard parcel...

Mr. Palmer: Yes sir.

Mr. Howard: Did you try to, I mean I'm sure you did, but can you give us some history on why this is being depicted this way?

Mr. Palmer: Is that the parcel that, I'm going to say the adjacent parcel that's... we provided right-of-way to that parcel.

Mr. Howard: Well, it's Winnie Howard's estate but it's in care of Christine Howard so I don't know what parcel you want to call that, tax map 34, parcel 23.

Mr. Palmer: I believe the owner contacted the Howard estate and they did not want to participate. They didn't want to...

Mr. Howard: Well, what, I mean what...

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Mr. Palmer: So what we did was we provided access to them, a roadway to them. I mean currently there's no roadway to that property.

Mr. Howard: Right.

Mr. Palmer: So what we've done is provided access to the property. We would've loved to include that in the development.

Mr. Howard: Right, I would think so.

Mr. Palmer: Yes.

Mr. Howard: How many acres is that parcel?

Mr. Palmer: Don't hold me to it, but I think it's about...

Mr. Howard: Ten acres?

Mr. Palmer: ... seventeen or so.

Mr. Howard: Oh, it's that big? Wow. So they're aware... is this property in probate or is there... you're not sure?

Mr. Palmer: I don't know.

Mr. Howard: Do we know if this property owner is aware of what you're proposing here?

Mr. Palmer: Absolutely. We submitted, I think, with the application, notification to all the adjacent landowners, certified mail.

Mr. Howard: You have a receipt of that certified mail?

Mr. Palmer: Yeah. I think we submitted all of that.

Mr. Howard: That's unbelievable. I just can't imagine anyone... you know I just don't understand. I don't know if they totally understand it, so...

Mr. Palmer: Yeah, we don't have any control over...

Mr. Howard: I understand, but I don't get that one.

Mr. Palmer: ... over that, so...

Mr. Howard: Okay.

Ms. Kirkman: So all we got was one big sheet and then we have these little tiny sheets which are just impossible to read.

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Mr. Rhodes: I can read them.

Ms. Kirkman: So what I'm trying to understand is, what is the road that this connects to? Because it's not clear to me from the big sheet.

Mr. Palmer: It connects through Marsh Run. And Richwood Cove, if you'll look on the bottom left, Richwood Cove is an existing right-of-way. There's no road built right now but it's an existing, dedicated right-of-way.

Mr. Howard: So Richwood Cove is going to connect to Marsh Run?

Mr. Palmer: Yes.

Mr. Howard: Okay. And do you have a rendering of where that intersection actually takes place?

Mr. Harvey: Mr. Chairman, I believe you can see it identified on the left hand bottom corner of sheet three.

Mr. Howard: Okay and then on parcels, tax map 34, parcel 20 at parcel 19. Who owns that? They're currently vacant lots? Zoned A-1?

Mr. Palmer: Samer Shalaby.

Mr. Howard: Okay, and they've been notified as well?

Mr. Palmer: Absolutely.

Mr. Howard: And did their properties adjoin the connecting road?

Mr. Palmer: Yes, yes.

Mr. Howard: I know they're on Richwood, that's not what I'm asking.

Mr. Palmer: It's part of Marsh Run

Mr. Howard: So their property would adjoin Marsh Run.

Mr. Palmer: It's part of Marsh Run yes.

Mr. Howard: It is part of March Run.

Mr. Palmer: And it is a platted subdivision.

Mr. Howard: Mr. Harvey, you indicated sheet number three has that?

Mr. Harvey: Yes, in the bottom left-hand corner you can see the... Richwood Cove and it calls it out as a fifty foot wide right-of-way and it shows the existing location as well as where the subdivision would connect.

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Mr. Howard: Where does it show the connection to Marsh Run? I don't see...

Mr. Harvey: That is within the Marsh Run subdivision.

Mr. Rhodes: This is Marsh Run subdivision.

Mr. Harvey: So in essence this subdivision will be an extension of the Marsh Run subdivision.

Mr. Howard: So it just dead ends there right now?

Ms. Kirkman: And this shows the road... well, it's a temporary cul-de-sac, what is it continuing through to?

Mrs. Ennis: This subdivision.

Ms. Kirkman: No, on the other end.

Mr. Palmer: There's an approved preliminary plat for Amber Oaks Section 1. And there's a small area in there of Marsh Run that was platted that goes through Amber Oaks Section 1.

Ms. Kirkman: So this is... we have regulations about how long cul-de-sacs can extend. When this cul-de-sac was measured for the purposes of assessing whether or not it met that regulation, did you start at the property line or did you start at the very beginning that this, that it connects to?

Mr. Palmer: There is another... I understand what you're getting at. There's another intersection further down that is Whippoorwill. I don't have the county tax maps with me right now.

Mrs. Ennis: There is another intersection.

Mr. Palmer: Yes, Snowy Egret, I'm sorry, which is part of Marsh Run. Marsh Run platted this section of roadway right here. Our subdivision is adjacent to Marsh Run, it connects through there.

Ms. Kirkman: Right, I understand that, but for the purposes of assessing whether or not this meets county code, at least in terms of what we were given, I can't make that determination. Do you want to step to the mic?

Mrs. Ennis: The street... the block length that you're talking about, I guess this is what you're talking about, the length of the cul-de-sac.

Mr. Howard: Yes.

Mrs. Ennis: Was reviewed by the engineering department and that does meet the 2500 or, the cul-de-sac length. Because there's an intersecting street and she does take that into consideration. She takes the other subdivision and takes the measurements there.

Mr. Howard: There's a set, there's a

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Mrs. Ennis: So it was reviewed by the engineering department.

Ms. Kirkman: Can we get the plat for the adjacent subdivision so we can see how this fits together since it's clearly dependent upon that adjacent subdivision.

Mrs. Ennis: Okay.

Mr. Howard: So we'd like to see that, and if we can't have it tonight that's fine, we have some time on this, so...

Mr. Harvey: Mr. Chairman, we'll provide a copy of that plat for the adjacent neighborhood. We'll also provide you with a tax map that shows how all of this fits together.

Mr. Howard: That would be very helpful. Are there any other questions or requests from staff for the applicant? Mrs. Hazard, I think this is in Hartwood.

Mrs. Hazard: Yes, it is. I did want to say to the applicant I did note that you have agreed and that you've met with Ms. Anita Dodd's concerns and I thank you for responding to that and agreeing to conduct that survey as she had requested, so I appreciate that. Based on what I'm hearing from the Commissioners, it seems like we have confusion on sort of where this fits into the big picture...

Mr. Howard: Yes.

Mrs. Hazard: ... of that area and I believe before we would vote I think everyone would like to have that to review.

Mr. Howard: And to Ms. Kirkman's point, also, can we get some answer on the length of the street? So in other words, where was the point of measurement from, who has that? You said it was... I understand the engineering department has that but, can we see the work that they did?

Mrs. Ennis: You want to see... what they did was they took it from the other section... they

Mr. Howard: We want to see that.

Mrs. Ennis: They took the measurements, all they did was take the plat. So I will provide you...

Mr. Howard: That's fine.

Mrs. Ennis: ... the plat.

Mr. Howard: And make a little mark from this point to this point is what they measured, and that's how it makes it in compliance.

Mrs. Hazard: Therefore my motion would be is that we would defer this to our September 7th meeting, I believe, with an addition to our packet of what I would call the big picture of this subdivision, where it sits and how it adjoins to the other surrounding subdivisions.

Mr. Fields: Second.

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Mr. Howard: Okay. The motion was made to defer item number six, which is the SUB1000335 Amber Oaks Section 2, preliminary subdivision plan to September 7th, seconded by Mr. Fields. Any discussion?

Ms. Kirkman: Mr. Chair.

Mr. Howard: Ms. Kirkman.

Ms. Kirkman: May I get one more clarification from staff?

Mr. Howard: Yes.

Ms. Kirkman: Just so, the stormwater management plan, is that also intertwined with the stormwater management plan of the adjacent subdivision because we've sometimes seen that as well. Or is it sort of a stand-alone stormwater...

Mr. Palmer: No it is stand alone.

Ms. Kirkman: Okay, thank you.

Mr. Howard: Okay. Any other comments while we're in discussion on the motion? Hearing none I'll now call for the vote. All those in favor of the motion signify by saying aye.

Mr. Fields: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Mitchell: Aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Howard: Aye. Opposed, nay. Motion carries 7-0, item is moved to the September 7th meeting. That brings us to the Planning Director's Report for this evening.

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Mr. Chairman, I have a short report tonight. The Board of Supervisors referred a zoning text amendment for the Planning Commission to consider. The Board of Supervisors report has been provided at your desk. It pertains to an amendment to our Zoning Ordinance to define what a farmers market is and to specify what zoning districts it should be allowed in. This proposed amendment emanates from the Agricultural and Purchase of Development Rights Committee and it's their recommendation to the Board which the Board has in turn forwarded to the Commission. Also in actions yesterday the Board of Supervisors approved the Forbes Street Bed and Breakfast conditional use permit application and also approved the rezoning application for the Aquia Hilton project.

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Mr. Howard: Thank you.

Mr. Harvey: And that concludes my report.

Mr. Howard: Thank you. Ms. McClendon, is there a County Attorney's report?

COUNTY ATTORNEY'S REPORT

Ms. McClendon: Mr. Chairman, I have nothing to report at this time.

Mr. Howard: Thank you very much. We don't have any standing committees at the moment. I do not have a Chairman's Report. Somebody want to move for approval of minutes?

COMMITTEE REPORTS

CHAIRMAN'S REPORT

OTHER BUSINESS

APPROVAL OF MINUTES

June 15, 2011

Mr. Rhodes: I make a motion for approval of the June 15th minutes.

Mr. Mitchell: Second.

Mr. Howard: Discussion? All those in favor of approving the June 15th, 2011 minutes signify by saying aye.

Mr. Fields: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Mitchell: Aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Howard: Aye. Opposed, nay. Motion carries 7-0.

Mrs. Hazard: Mr. Chairman, I was going to abstain from that one since I was not present. I did watch it but I was going to abstain from...

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Mr. Howard: I correct the vote, then, it's 6-0, 1 abstention.

Ms. Kirkman: Mr. Chair, I will be abstaining from the next vote because I wasn't present at that meeting.

Mr. Howard: Very well.

July 13, 2011

Mr. Rhodes: I make a motion for approval of the July 13th minutes.

Mr. Mitchell: Second.

Mr. Howard: Seconded by Mr. Mitchell. Any discussion? Ms. Kirkman will be abstaining because she was absent. I'll now call for the vote, all those in favor signify by saying aye.

Mr. Fields: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Mitchell: Aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Howard: Aye. Opposed, nay. Motion carries 6-0-1

Mr. Rhodes: No minutes outstanding.

Mr. Howard: Before we conclude, normally I would say, Adjourned. Mr. Mitchell has asked for the microphone this evening.

Mr. Mitchell: I thank you Mr. Chairman and I would like to address the Chairman, the Vice Chairman and the fellow Board members. I did not come with a prepared speech tonight, I've wanted to say it from the heart and not say it from a written document that I wrote at work. Sometime between now and the end of the year I will be leaving the Planning Commission. I've already discussed this with Mr. Milde. He has looked at the future new appointee. We have not set a specific timeframe, all I can tell you tonight is it'll be between now and December. My wife, my son and I have decided to move back to Texas. It's been a wonderful 24 years. We're actually moving to San Antonio, Texas. It's a beautiful city, a very cultural city, love it. I have a daughter that lives there and a daughter that lives in Galveston. I wanted to compliment this Board... this Commission, excuse me. I've enjoyed working with each member. We've had our agreements, we've had our disagreements but I think it's been fruitful for the county, I think discussion is wonderful for the county. My last remark tonight, I will just very clearly and very specifically say working with county staff has been the epitome of my tenure here in Stafford County. My eight years on the Board of Supervisors, my six and a half years on the

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Planning Commission, Mr. Harvey and his staff have presented a professionalism that is above any that I've ever seen or ever worked with. I have attended other cities' and other counties' meetings, I have not been impressed, I have only been impressed with our staff. That's an honest statement. It's a true remark meant for the staff members. I wanted to wait until the end of the meeting. With my schedule I was running late tonight, I was going to make it at the starting of the meeting but I wanted to make it at the end of the meeting. I appreciate the few minutes that I am tying all of you up, but I wanted to say that I will be leaving by the end of the year. But Mr. Harvey's leadership has been a tremendous effect on me personally. Even my son has watched it on TV and said that he was very impressed. With that I will close the mic, but I'll give you further updates as it comes. I don't have an update, all I can tell is the house will be finished sometime in late November or sometime in December. We've already broke ground, the foundation is in progress and I will keep you posted.

Mr. Howard: Well, Mr. Mitchell, thank you. I don't know, I'm sure other members will want to address you at some point, but the good news is you'll be with us for a few more meetings, so... but we do certainly appreciate you letting us know and giving us that information firsthand so we're not hearing it as a rumor, but your service to the county over the last 24 years as a resident, but certainly as a public servant, has been truly remarkable and we're all grateful that you were here and that you served. And all of us who serve on the Planning Commission or have served on the Board of Supervisors, your point about having different opinions is accurate and there's no one here serving without sacrificing. And if you're watching and you think that that's the case, that's not the case. Even though people are on different sides of a perspective, there's no one up here that's not serving at some type of sacrifice, whether it's at home or at work, in a way to help serve and make the county that we live in better and as best we can, and you exemplify that and have over the many years. So I know we'll have time to give you accolades but I just leave the mic open until we adjourn if anyone else has a comment.

Mr. Mitchell: Thank you Mr. Chairman.

Mr. Rhodes: (Inaudible) four years.

Mr. Howard: I know. Hearing none, I'll now adjourn the meeting. Thank you very much. Meeting's adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 9:03 p.m.